

THE CRIMINAL CODE

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tj. z dnia 2 grudnia 2021 r. (Dz.U. tłum. gb z 2021 r. poz. 2345)

PART I. GENERAL PART.

CHAPTER I. PRINCIPLES OF CRIMINAL LIABILITY.

Art. 1. Principles of criminal liability.

§ 1. Only a person who commits an act punishable under the law in force at that time shall incur criminal liability.

§ 2. A prohibited act whose social harmfulness is negligible does not constitute an offence.

§ 3. The offender of a prohibited act does not commit an offence if no culpability can be attributed to him or her at the time of the act.

Art. 2. Result offence committed by omission. Only a person having a specific legal duty to prevent a result of an offence incurs criminal liability for the result offence by omission.

Art. 3. Principle of humanitarianism. Penalties and other measures provided for in this Code are applied with regard to principles of humanitarianism, in particular with respect for human dignity.

Art. 4. Changes in law.

§ 1. If at the time of sentencing the law in force is different to that which was in force at the time of the offence being committed, the new law should be applied. However, the former law should be applied if it is more lenient for the offender.

§ 2. If, pursuant to the new law, a sentence previously imposed cannot be imposed for the act concerned, the sentence imposed shall be reduced to the most severe sentence that can be passed under the new law.

§ 3. If the sentence concerns an act that under the new law is no longer punishable by imprisonment, an enforceable sentence of imprisonment shall be commuted to a fine or a community sentence, assuming that one month's imprisonment equals 60 times the daily rate of a fine, or 2 months' community sentence.

§ 4. If the sentence concerns an act that is no longer punishable under the new law, the sentence shall be automatically expunged.

Art. 5. Territorial principle. Polish criminal law shall apply to an offender who has committed a prohibited act in the Republic of Poland, or on a Polish vessel or aircraft, unless otherwise stipulated in an international agreement to which the Republic of Poland is a party.

Art. 6. Time and place of the offence.

§ 1. A prohibited act shall be deemed to have been committed at the time that the offender has acted or omitted to perform an act that the offender was obliged to perform.

§ 2. A prohibited act shall be deemed to have been committed at the place where the offender has acted or omitted to perform an act that the offender was obliged to perform, or where the result of the prohibited act has occurred or was intended by the offender to occur.

Art. 7. Indictable and summary offence.

§ 1. An offence is either an indictable offence or a summary offence.

§ 2. An indictable offence is a prohibited act punishable by imprisonment for a minimum term of 3 years, or by a more severe penalty.

§ 3. A summary offence is a prohibited act punishable by a fine higher than 30 times the daily rate or PLN 5,000, a community sentence exceeding one month or by imprisonment for a term exceeding one month.

Art. 8. Intentional and unintentional offences. An indictable offence must involve intent; a summary offence may be committed unintentionally if the law so provides.

Art. 9. Dolus directus; dolus eventualis.

§ 1. A prohibited act is committed intentionally where the offender intends to commit it, namely he or she wants to commit it or, while foreseeing that the act may be committed, accepts it.

§ 2. A prohibited act is committed unintentionally where the offender does not intend to commit it but does so by failing to exercise due care under the circumstances, even though he or she has or could have foreseen that the act may be committed.

§ 3. The offender shall incur more severe liability, which the law makes conditional on certain consequences of a prohibited act, if he or she has or could have foreseen such consequence.

Art. 10. Age.

§ 1. The provisions of this Code shall apply to anyone aged 17 or older who commits a prohibited act.

§ 2. The provisions of this Code may apply to juvenile offenders aged 15 or older who commit a prohibited act set out in Article 134, Article 148 §§ 1, 2 or 3, Article 156 §§ 1 or 3, Article 163 §§ 1 or 3, Article 166, Article 173 §§ 1 or 3, Article 197 § 3 or 4, Article 223 § 2, Article 252 §§ 1 or 2 and in Article 280, if this is deemed appropriate given the circumstances of the case and the degree of the offender's mental development, characteristics and personal situation, and in particular if previously applied educational or correctional measures have proved ineffective.

§ 3. In the case set out in § 2, the sentence imposed may not exceed two-thirds of the statutory maximum sentence prescribed for the offence imputed to the offender; the court may also apply an extraordinary mitigation of penalty.

§ 4. If an offender commits a prohibited act after attaining 17 years of age, but before attaining 18 years of age, the court shall order educational, therapeutic, or correctional measures prescribed for juvenile offenders, instead of a penalty, if this is deemed appropriate given the circumstances of the case and the degree of the offender's mental development, characteristics and personal situation.

Art. 11. Concurrence of provisions.

§ 1. A single act may only constitute one offence.

§ 2. If an act meets the elements specified in two or more provisions of criminal law, the court shall sentence the offender for one offence on the basis of all concurring provisions.

§ 3. In the case specified in § 2, the court shall impose a sentence on the basis of the provision providing for the most severe penalty. However, this does not prevent the court from imposing other measures provided for in law on the basis of all concurring provisions.

Art. 12. Continuing act.

§ 1. Two or more prohibited acts undertaken within short time intervals, with premeditated intent, are deemed to constitute a single prohibited act. If the offence involves an attack on personal interests, then multiple acts can only be deemed a single prohibited act if they affect the same aggrieved party.

§ 2. Anyone who, in short intervals, using the same or the same opportunity or in a similar manner commits two or more intentional offences against property, if the total value of the property justifies liability for the offence, shall be held liable for a single offence.

CHAPTER II. FORMS OF COMMITTING AN OFFENCE.

Art. 13. Attempt.

§ 1. Anyone who intends to commit a prohibited act and makes a direct attempt that is subsequently not completed shall be held liable for an attempt.

§ 2. An attempt also occurs where the offender is unaware that the completion of the act is impossible because there is no suitable object on which to commit the prohibited act, or because the tools used are not suitable for committing the prohibited act.

Art. 14. Punishability.

§ 1. The court shall impose a sentence for an attempt within the limits of the penalty prescribed for the given offence.

§ 2. In the case specified in Article 13 § 2, the court may apply an extraordinary mitigation of penalty or even grant an absolute discharge.

Art. 15. Voluntary abandonment.

§ 1. Anyone who has voluntarily abandoned the commission of a prohibited act or has prevented the result that constitutes an element of the prohibited act shall not be liable to a penalty for the attempt.

§ 2. The court may apply an extraordinary mitigation of penalty with regard to an offender who has voluntarily attempted to prevent the result constituting an element of the prohibited act.

Art. 16. Preparation.

§ 1. Preparation only takes place where the offender, for the purpose of committing a prohibited act, undertakes steps aimed at creating the conditions for performing an act leading directly to the commission of the prohibited act; in particular by entering

into an agreement with another person, acquiring or preparing tools, gathering information or preparing an action plan for this purpose.

§ 2. Preparation shall only be punishable where the law so provides.

Art. 17. Voluntary abandonment.

§ 1. A person who has voluntarily abandoned preparation, in particular by destroying prepared tools or preventing them from being used in the future, shall not be liable to a penalty for preparation. If an agreement has been entered into with another person for the purpose of committing a prohibited act, then a person who has additionally made substantial efforts to prevent the prohibited act from being committed shall not be liable to a penalty.

§ 2. The person covered by Article 15 § 1 shall not be liable to a penalty for preparation.

Art. 18. Perpetration, incitement, aiding and abetting.

§ 1. Not only a person committing a prohibited act alone or jointly and in concert with another person, but also a person who controls the commission of a prohibited act by another person, or who directs another person to commit the prohibited act by exploiting the dependency of another person on him or her, shall liable for perpetration.

§ 2. Anyone who, intending another person to commit a prohibited act, induces that person to do so, shall be liable for inciting.

§ 3. Anyone who, intending another person to commit a prohibited act, by their conduct facilitates the commission of the act, in particular by providing instrumentalities, means of transport, or providing advice or information, shall be liable for aiding and abetting. In addition, anyone who, acting in violation of a particular legal duty to prevent a prohibited act, facilitates its commission by another person through their omission, shall also be liable for aiding and abetting.

Art. 19. Punishability.

§ 1. The court shall impose a penalty for aiding and abetting within the limits of the penalty prescribed for the given offence.

§ 2. When imposing the penalty for aiding and abetting, the court may apply an extraordinary mitigation of penalty.

Art. 20. Liability of accomplices. Each of the accomplices to a prohibited act shall be liable within the limits of their intentional or unintentional conduct, irrespective of the liability of the other accomplices.

Art. 21. Personal circumstances.

§ 1. Personal circumstances excluding, mitigating or aggravating an individual's criminal liability shall only be considered with regard to the person they relate to.

§ 2. If individual circumstances regarding the offender constitute an element of a prohibited act, even if they only affect the aggravation of the penalty, any accomplice shall be liable under criminal law for the prohibited act if they knew about the circumstances, even if it did not relate to the accomplice.

§ 3. With regard to an accomplice to whom the circumstances referred to under § 2 do not apply, the court may apply an extraordinary mitigation of penalty.

Art. 22. Accessorial liability.

§ 1. Where a prohibited act has only been attempted, the person referred to in Article 18 §§ 2 and 3 shall be liable for an attempt.

§ 2. Where a prohibited act has not been attempted, the court may apply an extraordinary mitigation of penalty or even grant an absolute discharge.

Art. 23. Voluntary prevention.

§ 1. An accomplice to a prohibited act who has voluntarily prevented it from being committed shall not be liable to a penalty.

§ 2. The court may apply an extraordinary mitigation of penalty with regard to an accomplice who has voluntarily made efforts to prevent the prohibited act from being committed.

Art. 24. Provocation. Anyone who persuades another person to commit a prohibited act for the purpose of criminal proceedings being initiated against that person shall be liable as for inciting; in this case Articles 22 and 23 shall not apply.

CHAPTER III. EXCLUSION OF CRIMINAL LIABILITY.

Art. 25. Necessary defence.

§ 1. Anyone who, in necessary defence, repels an imminent unlawful attack on any legally protected interest does not commit an offence.

§ 2. Where the limits of necessary defence have been exceeded, in particular where the offender has used means of defence disproportionate to the danger of the attack, the court may apply extraordinary mitigation of penalty or even grant an absolute discharge.

§ 2a. A person that exceeds the limits of necessary defence by repelling an attempt to enter a dwelling, premises or house, or an adjacent enclosed area, or by repelling an attack preceded by an attempt to enter those areas shall not be liable to a penalty, unless the limits of necessary defence have been disproportionately exceeded.

§ 3. A person who exceeds the limits of necessary defence due to fear or emotional distress justifiable by the circumstances of the attack shall not be liable to a penalty.

§ 4. *(repealed)*

§ 5. *(repealed)*

Art. 26. Necessity.

§ 1. Anyone who acts with the intent of averting an imminent danger to any legally protected interest, if the danger cannot be otherwise avoided and the sacrificed interest is less valuable than that saved, does not commit an offence.

§ 2. Nor is an offence committed by anyone who saves any legally protected interest under the circumstances defined in § 1, or who sacrifices an interest that does not present a value manifestly greater than that being saved.

§ 3. Where the limits of necessity are exceeded, the court may apply extraordinary mitigation of penalty or even grant an absolute discharge.

§ 4. The provision of § 2 shall not apply where the offender sacrifices an interest that he or she has a special duty to protect, even by exposing himself or herself to personal danger.

§ 5. The provisions of §§ 1 to 3 shall apply accordingly where only one of the offender's duties is capable of being performed.

Art. 27. Experiment.

§ 1. Anyone who acts with the intent of conducting a cognitive, medical, technical or economic experiment does not commit an offence as long as the anticipated benefit is of vital cognitive, medical or economic importance, and the expectation of the benefits, their usefulness and the method of conducting the experiment are well-founded in the light of the current state of knowledge.

§ 2. An experiment is only admissible with the consent of the participant who has been duly informed of the expected benefits, potential adverse effects that he or she may incur and the fact that they are likely to arise, as well as of the possibility of withdrawing from the experiment at any stage.

§ 3. The principles and grounds for allowing medical experiments are set out in law.

Art. 28. Mistaken circumstance.

§ 1. Anyone who is mistaken as to the circumstance constituting an element of a prohibited act does not commit an offence.

§ 2. An offender who commits an offence in an excusable erroneous belief that there exists a circumstance constituting an element of a prohibited act carrying a less severe penalty shall be liable under the provision that provides for a less severe penalty.

Art. 29. Mistake as to excuse or justification. No offence is committed by a person who commits a prohibited act in an excusable erroneous belief that there exists an excusable or justifiable circumstance; if the offender's mistake cannot be excused, the court may apply an extraordinary mitigation of penalty.

Art. 30. Ignorance of unlawfulness. No offence is committed by a person who commits a prohibited act while being justifiably ignorant of its unlawfulness; if the offender's mistake is not justifiable, the court may apply an extraordinary mitigation of penalty.

Art. 31. Insanity and diminished capacity.

§ 1. No offence is committed by a person who commits a prohibited act while incapable of recognising its significance or of controlling his conduct due to a mental disease, mental deficiency or other mental disturbance.

§ 2. If an offence was committed while the offender's ability to recognise the significance of the act or to control his conduct was significantly diminished, the court may apply an extraordinary mitigation of penalty.

§ 3. The provisions of §§ 1 and 2 shall not apply where the offender has become voluntarily intoxicated in a manner resulting in his capacity being excluded or limited, which he or she has or could have foreseen.

CHAPTER IV. PENALTIES.

Art. 32. List. The penalties shall include:

- 1) fine;
- 2) community sentence;
- 3) imprisonment;
- 4) 25 years' imprisonment;
- 5) life imprisonment.

Art. 33. Fine.

§ 1. A fine shall be imposed in daily rates by setting out a number of daily rates and the value of one daily rate; unless the law states otherwise, the minimum number of daily rates is 10, and the maximum one is 540.

§ 2. The court may also impose a fine in addition to imprisonment, as specified in Article 32 subparagraph 3, if the offender has committed the act for the purpose of gaining, or has gained, a financial benefit.

§ 3. When determining the daily rate, the court shall take into account the offender's income, personal and family situation, financial situation and earning capacity; the daily rate may not be lower than PLN 10 or higher than PLN 2,000.

Art. 34. Community sentence.

§ 1. Unless otherwise provided by law, a community sentence shall be imposed for a term not shorter than one month and not longer than 2 years; it shall be imposed in months and years.

§ 1a. A community sentence consists in:

- 1) the obligation to perform socially useful, unpaid, supervised work;
- 2) *(repealed)*
- 3) *(repealed)*
- 4) deduction equal to 10% to 25% of the monthly remuneration for work for a court-designated community purpose.

§ 1b. The obligations and deductions referred to in § 1a shall be imposed jointly or separately.

§ 2. When serving a community sentence, the sentenced person:

- 1) may not change the place of permanent residence without permission from the court;
- 2) *(repealed)*
- 3) is obliged to provide explanations regarding the course of serving the penalty.

§ 3. When imposing a community sentence, the court may order the pecuniary benefit referred to in Article 39 subparagraph 7 or the obligations referred to in Article 72 § 1 subparagraphs 2-7a.

Art. 35. Community service.

§ 1. Unpaid, supervised work for community purposes shall be performed for 20 to 40 hours a month.

§ 2. The court may impose a deduction of remuneration for work on an employed person; during the period for which the deduction has been ordered, the sentenced person may not terminate the employment relationship without the court's permission.

§ 3. *(repealed)*

§ 4. The provision of Article 74 shall apply accordingly to the pecuniary benefit referred to in Article 39 subparagraph 7 or the obligations referred to in Article 72 § 1 subparagraphs 2-7a.

Art. 36. Supervision and additional obligations.

§ 1. *(repealed)*

§ 2. *(repealed)*

§ 3. *(repealed)*

Art. 37. Imprisonment. The term of imprisonment referred to in Article 32 subparagraph 3 shall last no shorter than one month and not more than 15 years; it shall be imposed in years and months.

Art. 37a. Imposition of a fine or a community sentence instead of imprisonment.

§ 1. If an offence is punishable only by imprisonment not exceeding 8 years and the imprisonment would not be more severe than one year, the court may, instead of this term, impose a community sentence for a term not shorter than 3 months or a fine not lower than 100 daily rates if a penal measure, a compensation measure or forfeiture is imposed simultaneously.

§ 2. The provision of § 1 shall not apply to offenders who commit an offence acting in an organised group or association with the purpose of committing an offence or a fiscal offence and to offenders of terrorist offences.

Art. 37b. Imposition of a community sentence in addition to imprisonment. In a case involving a summary offence punishable by imprisonment, regardless of the lower limit of the statutory penalty provided for by law for the act in question, the court may simultaneously impose a sentence of imprisonment not exceeding 3 months, or, if the upper limit of the statutory penalty is at least 10 years, 6 months, and a community sentence for a term of up to 2 years. The provisions of Articles 69 to 75 shall not apply. Unless otherwise provided herein, the sentence of imprisonment shall be enforced in the first place.

Art. 38. Mitigation and extraordinary aggravation.

§ 1. If the law provides for the mitigation or extraordinary aggravation of the statutory maximum penalty and the statutory term covers more than one of the penalties listed in Article 32 subparagraphs 1-3, the mitigation or aggravation concerns each of these penalties.

§ 2. An extraordinarily aggravated penalty may not exceed 810 times daily rates for a fine, 2 years of community sentence or 20 years of imprisonment; the penalty of imprisonment shall be imposed in months and years.

§ 3. If the law provides for a mitigation of the maximum statutory penalty, the penalty imposed for an offence carrying a penalty of life imprisonment may not exceed 25 years, and for an offence carrying a penalty of 25 years' imprisonment may not exceed 20 years.

CHAPTER V. PENAL MEASURES.

Art. 39. List. Penal measures include:

- 1) deprivation of public rights;
- 2) disqualification from holding specific offices, performing specific professions or carrying out specific business activities;
- 2a) disqualification from pursuing activities related to raising, treating and educating minors, or taking care of them;
- 2aa) prohibition from holding an office or performing a profession or work in state or local government bodies or institutions, as well as in commercial companies and partnerships, in which the State Treasury or a local government unit holds, directly or indirectly through other entities, at least 10% of shares or interests;
- 2b) prohibition from associating with special social groups or appearing in specific locations, prohibition on contacting specific individuals or on leaving a specific place of residence without the court's permission;
- 2c) prohibition from entering a mass event;
- 2d) prohibition from entering gambling facilities and participating in gambling games;
- 2e) order to leave premises occupied together with the victim;
- 3) disqualification from operating vehicles;
- 4) *(repealed)*
- 5) *(repealed)*
- 6) *(repealed)*
- 7) pecuniary benefit;
- 8) publication of the sentence.

Art. 40. Public rights.

§ 1. Deprivation of public rights consists in the loss of the right to vote and to be elected to public office, self-governing professional or economic bodies, the loss of the right to participate in the administration of justice and to perform a function in state administration, local government or self-governing professional bodies; as well as the loss of military rank and demotion to the rank of private; the deprivation of public rights also includes the loss of medals, distinctions and honorary titles, as well as the inability to obtain such titles during the period of the deprivation of rights.

§ 2. The court may order the deprivation of public rights in the event of:

- 1) imprisonment for a term of not less than 3 years for an offence committed for motives deserving particular condemnation;
- 2) for the offences specified in Article 228 § 1 and 3-6, Article 229 § 1 and 3-5, Article 230 § 1, Article 230a § 1, Article 250a § 1 and 2, Article 271 § 3, Article 296a § 1, 2 and 4 and Article 305 § 1 and 2.

Art. 41. Holding an office, practising a profession.

§ 1. If the offender has abused his or her office or practised profession when committing the offence, or has shown that certain material legally protected interests would be at risk if he or she continues to hold the office or to practice profession, the court may decide to disqualify the perpetrator from holding a specific office or from practising a specific profession.

§ 1a. If the offender is sentenced to imprisonment for an intentional offence against the life or health or to the detriment of a minor, the court may decide to permanently disqualify the offender from holding any office or specific offices or from operating any activity or specific activities related to raising, educating or treating minors, or caring for them. If the offender is sentenced to imprisonment for an offence against sexual freedom or decency to the detriment of a minor, the court may decide to temporarily or permanently disqualify the perpetrator from holding any office or specific offices or from operating any or specific activities related to raising, educating or treating minors, or caring for them.

§ 1aa. The court shall order prohibition from:

- 1) holding any or specific positions, or
- 2) practising any or specific professions, or
- 3) performing any or specific work under an employment relationship, agency agreement, mandate agreement or another services agreement to which, in accordance with the Civil Code, the provisions concerning the mandate or a specific work agreement apply

- in State or local government authorities or institutions, or commercial companies or partnerships in which the State Treasury or a local government unit holds, directly or indirectly through other entities, at least 10% of shares or interests, if a person performing public functions has been sentenced for the offences specified in Article 228 § 1 and 3-6, Article 230 § 1, Article 230a § 1, Article 250a § 1 and 2, Article 271 § 3, Article 296a § 1, 2 and 4 and Article 305 § 1 and 2.

§ 1ab. If another person is sentenced for the offences specified in Article 229 § 1 and 3-5, Article 230 § 1, Article 230a § 1, Article 250a § 1 and 2, Article 271 § 3, Article 296a § 1, 2 and 4 and Article 305 § 1 and 2, the court may impose the prohibition referred to in § 1aa.

§ 1b. The court shall order a permanent disqualification referred to in §§ 1a and 1aa if the offender relapses into crime and is sentenced under the circumstances set out in this provision.

§ 2. If the offender has been sentenced for an offence related to specific business activity, the court may decide to disqualify him or her from carrying out this activity if certain legally protected essential interests would otherwise be jeopardised.

Art. 41a. Prohibition from contacting, approaching others or leaving a particular place.

§ 1. If an offender has been sentenced for an offence against sexual freedom or decency to the detriment of a minor, or for any other offence against freedom, or an intentional offence involving violence, including violence against a family or household member, the court may prohibit the offender from associating with specific communities or appearing in specific locations, or prohibit contacting or approaching specific individuals, or prohibit leaving a specific place of stay without the court's consent as well as order the perpetrator to temporarily leave the premises occupied jointly with the aggrieved party. The prohibition or order may be coupled with an obligation to report to the Police or another designated authority at specified intervals and the prohibition from approaching specific individuals may also be monitored via the electronic tagging system.

§ 2. If an offender has been given an immediate sentence of imprisonment for an offence against sexual freedom or decency to the detriment of a minor, the court shall prohibit the perpetrator from associating with specific communities or appearing in specific locations, or prohibit contacting or approaching specific individuals, or prohibit leaving a particular place of stay without the court's consent as well as order the offender to temporarily leave the premises occupied jointly with the aggrieved party. The prohibition or order may be coupled with an obligation to report to the Police or another designated authority at specified intervals and the prohibition from approaching specific individuals may also be monitored via the electronic tagging system.

§ 3. The court may permanently prohibit an offender from associating with specific communities or appearing in specific locations, or prohibit contacting specific individuals or leaving a specific place of stay without the court's permission if the offender is re-sentenced under the circumstances set out in § 2.

§ 3a. If the offender is ordered to temporarily leave premises occupied jointly with the aggrieved party for having committed the offences referred to in Chapters XXV and XXVI, the court shall prohibit the perpetrator from approaching the aggrieved party for the same period of time.

§ 4. When prohibiting the perpetrator from approaching specific individuals, the court shall specify the distance that the sentenced person must maintain away from the individuals protected.

§ 5. When issuing an order to periodically leave premises occupied jointly with the aggrieved party, the court shall specify the time limit for its compliance.

Art. 41b. Court-imposed prohibition from entering mass events.

§ 1. The court may prohibit entry to a mass event if an offence has been committed in relation to such event or the offender is sentenced for an act of hooliganism and the offender's participation in the mass event puts legally protected interests at jeopardy. The court shall prohibit entry to a mass event in the cases prescribed by law.

§ 2. The prohibition from entering mass events shall extend to all mass events taking place in the Republic of Poland and football matches played by the Polish national team or by Polish club teams outside of Poland.

§ 3. When imposing the prohibition from entering a mass event for an act committed in relation to a mass sporting event, the court may order the sentenced person to remain in a designated place of permanent residence for the duration of certain mass events to which the prohibition applies, via the electronic tagging system.

§ 4. When re-sentencing the offender for an offence committed in relation to a mass event, the court shall issue a prohibition from entering mass events and impose the obligation specified in § 3.

§ 5. In particularly justified cases, the court may order that, following the expiry of the period for which the obligation specified in § 3 has been imposed, the sentenced person will be required to report at a Police station or at a location designated by a district, local or municipal Police commander competent for the sentenced person's place of residence, during certain mass events to which the prohibition applies.

§ 6. The total period during which the obligations set out in §§ 3 and 5 are imposed on the sentenced person may not exceed the period for which the latter is prohibited from entering mass events.

§ 7. If the circumstances suggest that the obligation set out in § 3 is impracticable or that it is manifestly inexpedient to impose the same, the court shall instead require the sentenced person to report at a Police station or at a location designated by a district, local or municipal Police commander competent for the sentenced person's place of residence.

§ 8. When imposing the obligation referred to in §§ 3, 5 or 7, the court shall specify the mass events during which the obligation is to be complied with, indicating in particular the names of sport disciplines, sport clubs and the territorial coverage of the events to which the obligation applies.

§ 9. The obligations imposed under §§ 3, 5 and 7 shall be imposed in months and years. The obligation referred to in § 3 shall be imposed for a period not shorter than 6 months and not longer than 12 months, and the obligation referred to in § 7 shall be imposed for a period no shorter than 6 months and not longer than 6 years, not exceeding the period for which the prohibition from entering mass events has been imposed.

Art. 41c. Prohibition from entering gambling facilities and participating in gambling games.

§ 1. The prohibition from entering gaming facilities and from participating in gambling games shall not extend to participation in promotional lotteries.

§ 2. The court may impose the prohibition from entering gaming facilities and from participating in gambling games when sentencing for an offence committed in relation to operating or participating in gambling games.

Art. 42. Driving vehicles.

§ 1. If a road user is sentenced for an offence against road safety, the court may disqualify him or her from driving specific types of vehicles, in particular where the circumstances of the offence committed suggest that by driving a vehicle this person would endanger road safety.

§ 1a. The court shall disqualify the sentenced person from driving any motor vehicle when sentencing for the offence referred to in:

1) Article 178b or Article 180a;

2) Article 244 if the offender's conduct consisted in failure to comply with a disqualification from driving.

§ 2. If, at the time of committing the offence specified in § 1, the offender was intoxicated or fled from the scene of the incident described in Articles 173, 174 or 177, the court shall disqualify the offender from driving any type of motor vehicle or specific types of motor vehicle for a period not shorter than 3 years.

§ 3. The court shall permanently disqualify the offender from driving any type of motor vehicles if the latter has committed the offence specified in Article 178a § 4 or if, at the time of committing the offence specified in Article 173 resulting in death or grievous bodily harm, or at the time of committing the offence specified in Article 177 § 2 or Article 355 § 2, the offender was intoxicated or fled from the scene of the incident, unless an exceptional situation justifiable by special circumstances arises.

§ 4. The court shall issue a permanent disqualification from driving any motor vehicles when re-sentencing the person driving a motor vehicle under the conditions described in § 3.

Art. 43. Application period of penal measures; suspension of the running of penal measures.

§ 1. Unless otherwise stipulated by law, the deprivation of civil rights and the disqualification and order specified in Article 39 subparagraphs 2d and 2e shall be imposed in years, for a term going between one year and 10 years, the prohibition and

disqualification specified in Article 39 subparagraphs 2a to 2b and 3 shall be imposed in years, for a term going between one year and 15 years, and the disqualification specified in Article 39 subparagraph 2c shall be imposed in years, for a term going between 2 years and 6 years.

§ 1a. The obligation referred to in Article 41a § 1, second sentence, and § 2, second sentence, shall be imposed in months, for a term not shorter than 3 months and not longer than 12 months.

§ 2. The deprivation of public rights, the prohibitions, disqualifications and order shall take effect upon the sentence becoming final and non-appealable.

§ 2a. The term for which the prohibitions and disqualifications are imposed does not run during the time of serving a sentence of imprisonment, even if the same has been imposed for another offence.

§ 2b. The period for which the deprivation of public rights has been imposed for a given offence does not run during the time of serving a sentence of imprisonment.

§ 3. (*repealed*)

Art. 43a. Benefit for the Victim Support and Post-Penitentiary Aid Fund.

§ 1. When granting an absolute discharge, as well as in the instances specified in the law, the court may award the pecuniary benefit referred to in Article 39 subparagraph 7 for the Victim Support and Post-Penitentiary Aid Fund; the amount of this benefit may not exceed PLN 60,000.

§ 2. When sentencing the offender for the offence referred to in Article 178a § 1, Article 179 or Article 180, the court shall order the pecuniary benefit referred to in Article 39 (7) to be paid to the Victim Support and Post-Penitentiary Aid Fund in the amount of at least PLN 5,000; when sentencing the offender for the offence referred to in Article 178a § 4 - at least PLN 10,000, up to the amount specified in § 1.

Art. 43b. Publication of a judgment. The court may decide that the judgment be published in a specific manner if it considers this expedient, in particular in view of the social impact of the conviction, provided that this does not impair the aggrieved party interests.

Art. 43c. Deprivation, limitation of parental rights, notification to the family court. When considering it expedient to deprive or limit parental or guardianship rights in the event of an offence committed to the detriment of or in concert with a minor, the court shall notify the competent family court.

CHAPTER VA. FORFEITURE AND COMPENSATION MEASURES.

Art. 44. Forfeiture of items.

§ 1. The court shall order forfeiture of items derived directly from an offence.

§ 2. The court may, and in the cases prescribed by law shall, order forfeiture of the items that were used or intended to be used to commit the offence.

§ 3. If the forfeiture described in § 2 is not commensurate with the severity of the offence committed, the court may order supplementary payment to be paid to the State Treasury instead of the forfeiture.

§ 4. If the items specified in §§ 1 or 2 cannot be forfeited, the court may order forfeiture of items with a monetary value equivalent to the items derived directly from the offence, or items used or intended to be used to commit the offence.

§ 5. No forfeiture shall be ordered with regard to the items specified in §§ 1 or 2 if these can be returned to the aggrieved party or to any other authorised entity.

§ 6. When sentencing for an offence of violating a prohibition from producing, possessing, distributing or transporting specific items, the court may, and in the cases prescribed by law shall, order forfeiture with regard to such items.

§ 7. If the items referred to in §§ 2 or 6 are not the offender's property, the court may only order their forfeiture in the cases provided for in law; if the items are jointly owned, the forfeiture shall only apply to the share held by the offender or to its equivalent-in-value.

§ 8. (*repealed*)

Art. 44a. Forfeiture of an undertaking.

§ 1. When sentencing for an offence from which the offender has obtained, even indirectly, a substantial financial benefit, the court may order forfeiture of an undertaking owned by the offender, or its equivalent-in-value, if the undertaking was used to commit the offence or to conceal the benefit derived therefrom.

§ 2. When sentencing for an offence from which the offender has obtained, even indirectly, a substantial financial benefit, the court may order forfeiture of the undertaking of a natural person not owned by the offender or its equivalent-in-value, if the undertaking was used to commit the offence or to conceal the benefit derived therefrom and the owner of the undertaking

wanted the undertaking to be used to commit the offence or to conceal the benefit derived therefrom or, foresaw such possibility yet accepted same.

§ 3. In the case of jointly-owned property, the forfeiture referred to in §§ 1 and 2 shall be ordered taking into account the will and awareness of each of the co-owners and within their limits.

§ 4. The forfeiture referred to in §§ 1 and 2 shall not be ordered if it would be disproportionate to the seriousness of the offence committed, the degree of culpability of the accused or the motivation and conduct of the owner of the undertaking.

§ 5. The forfeiture referred to in §§ 1 and 2 shall not be ordered if the damage caused by the offence or the value of the concealed benefit is not significant in relation to the size of the undertaking.

§ 6. The court may decide not to order forfeiture referred to in § 2 also in other, particularly justified cases where it would be disproportionately onerous for the owner of the undertaking.

Art. 45. Forfeiture of a benefit.

§ 1. If the offender has obtained, even indirectly, a financial benefit as a result of the offence, which is not forfeitable as mentioned in Article 44 § 1 or § 6, the court shall order forfeiture of the benefit or its equivalent-in-value. The forfeiture shall not be ordered, either in part or in full, if the benefit or its equivalent-in-value is repaid to the aggrieved party or another person.

§ 1a. A financial benefit derived from the commission of a criminal offence shall also be deemed profits derived from things or rights constituting that benefit.

§ 2. When sentencing for an offence whereby the offender has even indirectly obtained a substantial financial benefit, or from which a financial benefit has been or could have been derived, even indirectly, which offence is punishable by imprisonment for a term of 5 years or more, or committed in an organised group or association aimed at committing an offence, the assets that the offender took possession of, or to which any title was acquired, within 5 years prior to committing the same until a sentence, even a non-appealable one, is passed, shall be considered as a benefit derived from the offence, unless the offender or another interested party tenders evidence to the contrary.

§ 3. If the assets constituting a benefit derived from the offence referred to in § 2, are transferred to an individual, a company or an organisational entity without legal personality, whether in fact or under any legal title, it is considered that the assets in the sole possession of the person, company or entity and the ownership rights thereto, accrue to the offender, unless on the basis of the circumstances surrounding their acquisition, it could not be assumed that the assets derive, even indirectly, from a prohibited act.

§ 4. (*repealed*)

§ 5. In the event of co-ownership, a forfeiture order concerns the offender's share or the monetary equivalent.

§ 6. (*repealed*)

Art. 45a. Forfeiture.

§ 1. The court may order forfeiture if the social harmfulness of the act is negligible, as well as in the event of conditional discontinuance of proceedings or a finding that the offender has committed a prohibited act in the state of diminished capacity referred to in Article 31 § 1, or if there is a circumstance preventing the offender of the prohibited act from being punished.

§ 2. If the evidence gathered indicates that in the event of a conviction a forfeiture order would be issued, the court may also order forfeiture in the event of the offender's death, discontinuance of the proceedings due to the failure to identify the offender, and in the event of the proceedings being stayed where the accused cannot be apprehended or cannot participate in the proceedings because of mental illness or another serious illness.

Art. 46. Redress of damage, compensation for harm.

§ 1. In the event of a conviction, the court may (and if the aggrieved party or another entitled party so requests shall) order the offender, while applying the civil law provisions, to partially or fully redress the damage caused by the offence, or to compensate for the harm suffered; the civil law provisions on the possibility of awarding a pension shall not apply.

§ 2. If it is significantly difficult to order the obligation set out in § 1, the court may instead order a surcharge of up to PLN 200,000 to be paid for the benefit of the aggrieved party and in the event of his or her death following the offence committed by the sentenced person, the court may order a surcharge of up to PLN 200,000 to be paid for the benefit of the aggrieved party's family or household member whose life situation has deteriorated significantly as a result of the aggrieved party's death. Where more than one such person has been identified, the surcharge shall be ordered for the benefit of each of them.

§ 3. The award of damages or compensation under § 1 or the surcharge under § 2 shall not preclude the unsatisfied portion of the claim from being pursued in a civil action.

Art. 47. Surcharge.

§ 1. If an offender is sentenced for an intentional offence against life or health, or for an intentional offence resulting in a death, grievous bodily harm or physical injury, or damage to health, the court may order a surcharge to be paid to the Victim Support and Post Penitentiary Aid Fund.

§ 2. If an offender is sentenced for an offence against the environment, the court may order a surcharge to be paid to the National Fund for Environmental Protection and Water Management mentioned in Article 400 of the Act on Environmental Protection dated 27 April 2001 (Journal of Laws of 2021, items 1973 and 2127).

§ 2a. In the cases referred to in Article 44a §§4 to 6, the court may order a surcharge of up to PLN 1,000,000 to be paid for the benefit of the aggrieved party or the Victim Support and Post Penitentiary Aid Fund.

§ 3. Where the offender is sentenced for the offence referred to in Article 173, Article 174, Article 177 or Article 355, if the offender was intoxicated or fled the scene of the incident, the court shall order a surcharge to be paid to the aggrieved party and, in the event of his or her death following the offence committed by the sentenced person, to the aggrieved party's family or household member whose life has significantly deteriorated following the aggrieved party's death. Where more than one such person has been identified, payment of the surcharge shall be ordered for the benefit of each of them. If it is impossible to identify such person, the court shall order a surcharge to be paid to the Victim Support and Post Penitentiary Aid Fund. The court shall order a surcharge amounting to PLN 10,000 or more.

§ 4. In particularly justified circumstances, where a surcharge order would affect the offender's capacity to provide necessary subsistence for himself or herself and his family, or where the aggrieved party has reconciled with the offender, the court may order a surcharge to be paid in a lower amount than that specified in § 3.

§ 5. The provision of § 3 shall not apply if the court has imposed the obligation to redress the damage caused by the offence or to compensate for the harm suffered in excess of PLN 10,000.

Art. 47a (repealed)

Art. 48. Amount of surcharge. Unless otherwise provided herein, a surcharge shall be ordered in the amount of PLN 100,000 or less.

Art. 49 (repealed)

Art. 49a (repealed)

Art. 50 (repealed)

Art. 51 (repealed)

Art. 52 (repealed)

CHAPTER VI. PRINCIPLES OF IMPOSING SENTENCES AND PENAL MEASURES.

Art. 53. General directive.

§ 1. The court shall impose a sentence at its own discretion, within the limits prescribed by law, ensuring that the severity does not exceed the degree of culpability, being aware of the degree of social harmfulness of the act, and taking into account the preventive and educational objectives that the penalty is to achieve with regard to the offender, as well as the need to develop legal awareness in society.

§ 2. When sentencing, the court shall primarily take into account the offender's motivation and conduct, in particular in the event of an offence committed to the detriment of a vulnerable person because of his age or health condition, whether the offence was committed together with a juvenile offender, the type and degree of the breach of duties the offender is charged with, the type and degree of any negative consequences of the offence, the features and personal conditions of the offender, his lifestyle before committing the offence, and his conduct thereafter, and in particular any efforts to redress the damage or to otherwise satisfy the public sense of justice. The court shall also take the behaviour of the aggrieved party into account.

§ 3. When sentencing, the court shall also take into account the positive results of mediation between the aggrieved party and the offender, or any settlement they may have reached in the proceedings before the public prosecutor or the court.

Art. 54. Sentencing juvenile offenders and young offenders.

§ 1. When sentencing a juvenile offender or a young offender, the court shall primarily seek to rehabilitate the offender.

§ 2. An offender who was under the age of 18 at the time of committing the offence may not be sentenced to life imprisonment.

Art. 55. Individualisation. Circumstances affecting the length of a sentence shall only be taken into account with regard to the person to which they relate.

Art. 56. Mutatis mutandis application. The provisions of Article 53, Article 54 § 1 and Article 55 shall apply accordingly when imposing other measures provided for herein, save for the obligation to redress the damage caused by the offence or to compensate for the harm suffered.

Art. 57. Mitigating and aggravating grounds.

§ 1. If there are several independent grounds for the extraordinary mitigation or aggravation of a penalty, the court may mitigate or aggravate the penalty only once, having considered all the mitigating or aggravating grounds.

§ 2. If there are concurrent grounds for an extraordinary mitigation and aggravation, the court may apply an extraordinary mitigation or aggravation of penalty.

Art. 57a. Surcharge.

§ 1. For a summary offence involving hooliganism, the court shall pass a sentence imputed to the offender at a level not lower than one and a half times the statutory minimum provided for the offence.

§ 2. In the case described in § 1, the court shall order a surcharge to be paid to the aggrieved party, unless it orders the redress of damage, compensation for the harm suffered or surcharge under Article 46. If the aggrieved party has not been identified, the court may order a surcharge to be paid for the benefit of the Victim Support and Post Penitentiary Aid Fund.

Art. 57b. Length of sentence for a continuing offence. When sentencing for the offence referred to in Article 12 § 1, the court shall impose the penalty provided for the offence imputed to the offender at a level exceeding the statutory minimum penalty up to twice the statutory maximum penalty.

Art. 58. Penalty options.

§ 1. If the law provides for an option regarding the type of penalty and the offence is punishable by imprisonment for a maximum term of 5 years, the court shall only pass a sentence of imprisonment where no other sentence or penal measure would serve the sentencing objective.

§ 2. *(repealed)*

§ 2a. A community sentence consisting in the obligation mentioned in Article 34 § 1a subparagraph 1 shall not be passed if the health condition of the accused, or his personal attributes and status, give grounds to believe that the accused will not comply with the same.

§ 3. *(repealed)*

§ 4. *(repealed)*

Art. 59. Granting an absolute discharge. If the offence is punishable by imprisonment for a maximum term of 3 years, or by a less severe penalty, and the social harmfulness of the act is not significant, the court may decide to grant a discharge while ordering a penal measure, forfeiture or a compensation measure at the same time, and provided that the sentencing objectives will thereby be achieved.

Art. 59a (repealed)

Art. 60. Extraordinary mitigation.

§ 1. The court may apply an extraordinary mitigation of penalty in the cases prescribed by law, or with regard to a young offender, where this is justified by the circumstances described in Article 54 § 1.

§ 2. The court may also apply an extraordinary mitigation of penalty in particularly justified cases, where even the lowest penalty stipulated for the offence in question would be disproportionate, and particularly:

- 1) if the aggrieved party and the offender have reconciled, the damage incurred has been redressed or the aggrieved party and the offender have agreed on how the damage would be redressed,
- 2) given the attitude of the offender, particularly if he or she has made efforts to redress the damage or prevent the damage from occurring,
- 3) if an offender of an unintentional offence or his family or household member has suffered serious damage in connection with the offence committed.

§ 3. The court shall apply an extraordinary mitigation of penalty or may even pass a suspended sentence with regard to an offender who has committed the offence in concert with others, if he or she has disclosed to a law enforcement authority information regarding other persons involved in committing the offence and the relevant circumstances thereof.

§ 4. At the request of the public prosecutor, the court may apply an extraordinary mitigation of penalty or even pass a suspended sentence with regard to an offender who, irrespective of any explanations given in his case, has disclosed to a law enforcement authority relevant circumstances of an offence that had not previously been known to the same, which offence is punishable by imprisonment for a minimum term of 5 years.

§ 5. In the cases referred to in §§ 3 and 4, when imposing a sentence of imprisonment for a maximum term of 5 years, the court may conditionally suspend the sentence for a probation period of up to 10 years if it finds that, despite not serving the

penalty, the offender will not reoffend; the provision of Article 69 § 1 shall not apply and the provisions of Articles 71 to 76 shall apply accordingly.

§ 6. The extraordinary mitigation of penalty consists in imposing a penalty below the minimum statutory sentence, or imposing a less severe type of penalty, in accordance with the following principles:

- 1) if the act in question involves a minimum sentence of 25 years' imprisonment, the court shall impose a penalty of imprisonment for a term not shorter than 8 years,
- 2) if the act in question constitutes an indictable offence, the court shall impose a penalty of not less than one-third of the minimum statutory sentence,
- 3) if the act in question constitutes a summary offence, and the minimum statutory sentence is not less than one year imprisonment, the court shall impose a fine, community sentence or imprisonment,
- 4) if the act in question constitutes a summary offence, and the minimum statutory sentence is less than one year imprisonment, the court shall impose either a fine or a community sentence.

§ 7. If the act in question is punishable by more than one of the penalties specified in Article 32 subparagraphs 1 to 3, the extraordinary mitigation of penalty shall consist in granting an absolute discharge and the imposition of the penal measure specified in Article 39 subparagraphs 2 to 3, 7 and 8, a compensation measure or forfeiture; the provision of Article 61 § 2 shall not apply.

§ 8. The extraordinary mitigation of penalty shall not apply to acts punishable by imprisonment for a minimum term of 5 years, to which Article 37a applies.

Art. 60a (repealed)

Art. 61. Absolute discharge.

§ 1. The court may grant an absolute discharge in the cases specified by law or in the case provided for in Article 60 § 3, in particular if the offender played a minor role in committing the act, and the information provided has been helpful in preventing another offence from being committed.

§ 2. When granting an absolute discharge, the court may refrain from ordering a penal measure, a surcharge for the benefit of the State Treasury and a forfeiture, even if the same must be ordered.

Art. 62. Choice of institution and therapeutic method. When sentencing to imprisonment, the court may determine the type of a penal institution where the offender is to serve the term and may set out the therapeutic methods to be used.

Art. 63. Crediting actual time spent in custody towards imprisonment.

§ 1. The actual time spent in custody in a given case, rounded up to a full number of days, shall be credited towards imprisonment, with one day in custody equalling one day of imprisonment, or two days of a community sentence, or two daily rates of a fine.

§ 2. When crediting the actual time spent in custody towards the amount of the fine imposed, one day of imprisonment shall be deemed to correspond to an amount equal to twice the daily rate fixed in accordance with Article 33 § 3.

§ 3. The period of the relevant preventive measures actually being applied shall be credited towards the penal measures imposed under Article 39 subparagraphs 2 and 3 of this Code.

§ 4. The period of seizure of a driving licence or any other relevant document shall be credited towards the penal measure referred to in Article 39 subparagraph 3.

§ 5. For the purposes of §§ 1 and 2 a day means a period of 24 hours calculated as of the commencement of the actual time spent in custody.

CHAPTER VII. RELAPSE INTO CRIME.

Art. 64. Reoffending.

§ 1. If an offender who was sentenced to imprisonment for an intentional offence and has served at least 6 months of the term commits an intentional offence similar to that for which he or she was sentenced within a five-year period, the court may impose the penalty of imprisonment for that offence, up to one and a half times the maximum statutory limit.

§ 2. If an offender who has been sentenced under the conditions specified in § 1, and has served in total at least one year imprisonment commits another intentional offence against life or health, or the offence of rape, robbery, theft with burglary, or another offence against property, using force or threatening to use force within 5 years after serving all or part of the last penalty, the court shall impose the penalty of imprisonment for that offence in excess of the lower statutory limit, or up to one and a half times the maximum statutory penalty.

§ 3. The aggravation of the maximum statutory penalty set out under §§ 1 or 2 shall not apply to indictable offences.

Art. 65. Permanent income; acting in a group or association.

§ 1. The provisions regarding the length of the penalty, the penal measures and probation measures, as provided for the offender as referred to in Article 64 § 2, shall also apply to an offender whose permanent source of income derives from the commission of offences, or who commits offences acting in an organised group or in an association whose purpose is to commit offences, or offenders of acts of terrorism.

§ 2. The provisions set out in Article 64 § 2 shall apply to an offender of the offence set out in Article 258, except for the aggravated penalty set out therein.

CHAPTER VIII. PROBATION MEASURES.

Art. 66. Conditional discontinuance.

§ 1. The court may conditionally discontinue criminal proceedings if the degree of culpability and the social harmfulness of the act are not significant, if there are no doubts about the circumstances under which it was committed, and if the attitude of the offender, who has not previously been sentenced for an intentional offence, as well as his personal characteristics and way of life to date, provide reasonable grounds to assume that even if the proceedings are discontinued, he or she will observe the legal order, and particularly that he or she will not commit an offence.

§ 2. The conditional discontinuance of proceedings shall not apply to the offender of an offence for which the statutory penalty exceeds 5 years' imprisonment.

Art. 67. Period of probation, supervision and obligations.

§ 1. Criminal proceedings shall be conditionally discontinued for a probation period going between one year and 3 years, which runs from the date the sentence becomes final and non-appealable.

§ 2. Where criminal proceedings are conditionally discontinued, the court may place the offender under the supervision of a probation officer or a person of public trust, an association, or a social organisation involved in educating offenders, preventing them from moral corruption, or providing assistance to them, for the duration of the probation period.

§ 3. If criminal proceedings are conditionally discontinued, the court shall require the offender to redress all or part of the damage and, insofar as possible, also the obligation to compensate for the harm suffered or may order a surcharge to be paid instead of such obligations, the court may impose on the offender the obligations specified in Article 72 § 1 subparagraphs 1-3, 5-6a, 7a or 7b, and may also order the monetary benefit specified in Article 39 subparagraph 7 or a disqualification from driving a vehicle, as specified in Article 39 subparagraph 3, for up to 2 years. The provisions of Article 72 §§ 1a and 1b shall apply accordingly.

§ 4. The provision of Article 74 shall apply accordingly.

Art. 68. Resumption of criminal proceedings.

§ 1. The court shall resume criminal proceedings if, during the probation period, the offender commits an intentional offence for which he or she has already been sentenced.

§ 2. The court may resume criminal proceedings if, during the probation period, the offender blatantly violates the legal order, and particularly if he or she commits an offence other than that specified in § 1, or evades supervision, fails to perform the obligation or the penal measure, compensation measure or forfeiture ordered, or fails to comply with the settlement reached with the aggrieved party.

§ 2a. The court shall resume criminal proceedings if the circumstances referred to in § 2 arise after the offender receives a written warning from a court-appointed probation officer, unless there are special reasons not to do so.

§ 3. The court may resume criminal proceedings if, after the decision on the conditional discontinuance was passed but before it becomes final and non-appealable, the offender blatantly violates the legal order, and particularly if he or she commits an offence within that time.

§ 4. Conditionally discontinued criminal proceedings may not be resumed more than 6 months following the expiry of the probation period.

Art. 69. Suspended sentence.

§ 1. The court may pass a suspended sentence of imprisonment imposed for a maximum term of one year if, at the time of committing the offence, the offender was not sentenced to imprisonment and this is sufficient to achieve the sentencing objectives with respect to the offender, and particularly to prevent his relapse into crime.

§ 2. When passing a suspended sentence, the court shall primarily take into consideration the offender's attitude, personal characteristics and conditions, lifestyle and conduct after committing the offence.

§ 3. (*repealed*)

§ 4. With regard to an offender of a summary offence involving hooliganism or of the offence set out in Article 178a § 4, the court may pass a suspended sentence only in particularly justified cases.

Art. 70. Probation period.

§ 1. A sentence shall be suspended for a probation period going between one year to 3 years which shall run as soon as the judgment becomes final and non-appealable.

§ 2. For a suspended sentence with respect to a young offender and a perpetrator of a violent offence committed to the detriment of a household member, the probation period shall be 2 to 5 years.

Art. 71. Fine.

§ 1. When suspending a sentence, the court may impose a fine if the same cannot be otherwise imposed in addition to imprisonment.

§ 2. If a suspended sentence is activated, the fine ordered under § 1 shall not be enforced; the sentence of imprisonment shall be reduced by the period corresponding to one half of daily rates of a fine paid, rounded up to the nearest full day.

Art. 72. Obligations.

§ 1. When suspending a sentence, the court shall and, when ordering a penal measure, may require the sentenced person:

- 1) to keep the court or the probation officer informed about the progress of the probation period,
 - 2) to apologise to the aggrieved party,
 - 3) to perform an imposed duty to provide support to another person,
 - 4) to perform paid work, educational activity or vocational training,
 - 5) to refrain from abusing alcohol or other intoxicants,
 - 6) to submit to addiction treatment,
 - 6a) to submit to therapy, in particular psychotherapy or psychoeducation,
 - 6b) to attend rehabilitation or educational programmes,
 - 7) to refrain from appearing in certain communities and locations,
 - 7a) to avoid contact with the aggrieved party or other persons in a specified manner or to approach the aggrieved party or other persons,
 - 7b) to leave residential premises shared with the aggrieved party,
 - 8) to engage in any other appropriate conduct during the probation period that may prevent a further offence
- with at least one of the obligations to be imposed.

§ 1a. When imposing the obligation set out in § 1 subparagraph 7a, the court shall indicate the minimum distance from the protected persons to be maintained by the sentenced person.

§ 1b. When imposing the obligation set out in § 1 subparagraph 7b on the offender of an offence involving violence or an unlawful threat against a family or household member, the court shall determine how the offender may have contact with the aggrieved party.

§ 2. The court may award a monetary benefit referred to in Article 39 subparagraph 7 or order the sentenced person to redress all or part of the damage, unless it has ordered a compensation measure.

Art. 73. Supervision.

§ 1. When passing a suspended sentence, the court may place the sentenced person under the supervision of a probation officer or a person of public trust, an association, or a social organisation involved in educating offenders, preventing them from moral corruption, or providing assistance to them, for the duration of the probation period.

§ 2. Supervision must be ordered with regard to a young perpetrator of an intentional offence, perpetrator of the offence specified in Article 64 § 2, as well as to a perpetrator of an offence involving a sexual disorder and a perpetrator of a violent offence committed to the detriment of a household member.

Art. 74. Additional information.

§ 1. The court shall determine the time and the manner of compliance with the obligations specified in Article 72 after hearing from the sentenced person; additionally, the obligations specified in Article 72 § 1 subparagraphs 6 and 6a may only be imposed upon consent from the sentenced person.

§ 2. If warranted by educational considerations, the court may, during the probation period, impose, extend or modify the obligations mentioned in Article 72 § 1 subparagraphs 3-8, imposed on a person with a suspended sentence, or may dispense with the same, with the exception of the obligation specified in Article 72 § 2, and may either have the sentenced person monitored or dispense with monitoring.

§ 2a. Release from supervision may also be granted if supervision is prevented or significantly hindered for reasons not attributable to the sentenced person.

§ 3. If the offender has been placed under supervision or required to comply with certain obligations during the probation period the court-appointed probation officer, a trustworthy person or a representative of the association, institution or social organisation referred to in Article 73 § 1 may also submit an application to determine the time and manner of compliance with such obligations.

Art. 75. Enforcement of sentence.

§ 1. The court shall activate a sentence if, during the probation period, the sentenced person commits an intentional offence similar to that for which for a final and non-appealable immediate sentence was passed against him or her.

§ 1a. The court shall activate a sentence if, during the probation period, the offender who has been convicted for an offence involving force or an unlawful threat against a family or household member or another minor living together with the offender blatantly breaches the legal order, repeatedly using force or an unlawful threat against family or household member or another minor living together with the offender.

§ 2. The court may activate a sentence if, during the probation period, the sentenced person blatantly breaches the legal order, and in particular if he or she commits an offence other than that specified in § 1, fails to pay a fine, evades supervision, or fails to comply with the obligations, penal measures, compensation measures or forfeiture.

§ 2a. The court shall activate a sentence if the circumstances referred to in § 2 arise after the sentenced person has been given a written warning by the probation officer, unless there are special considerations for not doing so.

§ 3. The court may activate a sentence if, in the period after the sentence was passed but before it became final and non-appealable, the sentenced person blatantly breaches the legal order, and in particular if he or she commits an offence within that period.

§ 3a. When activating a sentence in the cases referred to in §§ 2 and 3, the court may, taking into account the previous course of the probation, and in particular compliance with the obligations imposed, reduce the length of the sentence imposed, however by no more than one half of the term.

§ 4. The sentence may not be activated later than 6 months after the end of the probation period.

§ 5. (*repealed*)

Art. 75a. Unpaid, controlled work in the community, conversion of sentence.

§ 1. A person against whom a suspended sentence of imprisonment is passed and who, during his or her probation period, blatantly breaches the legal order, in particular if he or she commits an offence other than those referred to in Article 75 § 1, or if he or she evades payment of a fine or compliance with supervision, performance of the imposed obligations, penal measures, compensation measures or forfeiture, the court may, if the sentencing objectives are likely to be thereby achieved, having regard to the seriousness and nature of the offence imputed to the sentenced person, instead of activating the sentence of imprisonment, convert the same into a community sentence involving an obligation to perform unpaid, controlled work in the community, assuming that one day of imprisonment equals two days of a community sentence, or into a fine, assuming that one day of imprisonment equals two daily rates of a fine. The term of the community sentence shall not exceed 2 years and the fine shall not exceed 810 daily rates.

§ 2. The provision of § 1 shall not apply:

1) in the cases referred to in Article 75 § 1, § 1a and § 2a;

2) to the sentenced person who has failed to comply with the obligation set out in Article 72 § 1 subparagraph 7b or in Article 72 § 2.

§ 3. When converting a suspended sentence of imprisonment into a community sentence or a fine, the court shall, if possible, hear the sentenced person.

§ 4. The conversion of a suspended sentence of imprisonment into a community sentence or a fine shall not release the sentenced person from compliance with the penal measures imposed on him or her, or forfeiture, compensation or security measures, even if the sentence is thereafter passed as an aggregate sentence.

§ 5. If the sentenced person evades the enforcement of a community sentence, payment of a fine, compliance with the obligations imposed on him or her, forfeiture or compensation measures, the court shall revoke the conversion and activate the sentence of imprisonment.

§ 6. In the event of the conversion being revoked and the sentence of imprisonment being activated, the fine or the community sentence hitherto enforced shall be credited towards the activated sentence of imprisonment, assuming that one day of imprisonment equals two daily rates of a fine or two days of a community sentence.

§ 7. The provision of § 1 shall not apply if a suspended sentence of imprisonment has been imposed pursuant to Article 60 § 5.

Art. 76. Expungement of sentence.

§ 1. A sentence shall become automatically expunged 6 months after the end of the probation period.

§ 1a. In the case referred to in Article 75a, a sentence shall become expunged at the end of the periods provided for in Article 107 §§ 4 and 4a.

§ 1b. In the cases referred to in §§ 1 and 1a, Article 108 shall apply.

§ 2. If a fine, penal measure, forfeiture or a compensation measure has been imposed on the sentenced person, the sentence may not become expunged before the payment is made or the measure is carried out, or before it becomes prescribed. Nor may the sentence become expunged before the security measure has been enforced.

Art. 77. Release on licence.

§ 1. The court may only release on licence an offender sentenced to imprisonment from serving the remainder of the sentence if his or her attitude, personal attributes and circumstances, the circumstances surrounding the offence and the offender's conduct after committing the offence and at the time of serving the sentence, provide grounds to believe that, once released, the sentenced person will comply with the penal measure or security measure imposed and will respect the legal order, and in particular that he or she will not re-offend.

§ 2. In particularly justified cases, when passing the sentence referred to in Article 32 subparagraphs 3 to 5, the court may impose more stringent restrictions attached to the sentenced person's release on licence, other than those specified in Article 78.

Art. 78. Grounds.

§ 1. A sentenced person may be released on licence after serving at least half of the term.

§ 2. The sentenced person specified in Article 64 § 1 may be released on licence after serving two-thirds of the sentence, and the sentenced person specified in Article 64 § 2, after serving three-quarters of the term.

§ 3. A person sentenced to 25 years' imprisonment may be released on licence after serving 15 years of the term, and a person sentenced to life imprisonment may be released on licence after serving 25 years of the term.

Art. 79. Grounds.

§ 1. The provisions of Article 78 §§ 1 and 2 shall apply accordingly to a total of two or more terms of imprisonment that cannot be combined, which the sentenced person is to serve consecutively; the provision of Article 78 § 2 applies if at least one of the offences was committed under the conditions specified in Article 64.

§ 2. Notwithstanding the conditions specified in Article 78 §§ 1 or 2, a sentenced person may be released on licence after serving 15 years of imprisonment.

§ 3. The provision of Article 78 § 3 shall apply accordingly if at least one of the penalties that cannot be combined, which the offender is to serve consecutively, is a sentence of 25 years' imprisonment or life imprisonment.

Art. 80. Probation period.

§ 1. Following release on licence, the remainder of the sentence constitutes a probation period, and may not be shorter than 2 years or longer than 5 years.

§ 2. If the sentenced person is the person specified in Article 64 § 2, the probation period may not be shorter than 3 years.

§ 3. Following release on licence of a person sentenced to 25 years' imprisonment or life imprisonment the probation period shall be 10 years.

Art. 81. New release on licence. In the event of a release on licence being revoked, the sentenced person may not be released on licence again before serving, after being imprisoned, at least one year of the term of imprisonment, and in case of 25-years' imprisonment or life imprisonment, before serving at least 5 years of the term.

Art. 82. Sentence deemed as served.

§ 1. If the release on licence has not been revoked during the probation period and within 6 months thereafter, the sentence shall be considered to have been served upon the sentenced person being released on licence.

§ 2. If a judgment covers aggregate penalties in respect of which the sentenced person has been released on licence, only the period of the sentence actually served shall be credited towards the aggregate sentence.

Art. 83. Shortened term of community sentence. A person sentenced to community service who has completed at least half of the term imposed, respected the legal order and complied with the obligations, penal measures, compensation measures and forfeiture imposed on him or her, may be released by the court from the remainder of the sentence, with the same being deemed served.

Art. 84. Shortened period of penal measures.

§ 1. After half of the period for which the penal measures specified in Article 39 subparagraphs 1-3 to have been imposed, the court may consider them as served if the sentenced person has respected the legal order and has been subjected to the penal measure for at least one year.

§ 2. The provision of § 1 shall not apply if the penal measure specified in Article 39 subparagraphs 2, 2a and 3 has been imposed under Article 41 § 1a or Article 42 § 2.

§ 2a. If a penal measure has been imposed for life, the court may consider it to have been enforced if the sentenced person has respected the legal order and if there is no risk that the sentenced person will commit another offence similar to that for which the penal measure was imposed and if the penal measure has been enforced with regard to the sentenced person for at least 15 years.

§ 3. The court may release a sentenced person from the obligation imposed under Article 41b §§ 5 or 7 after half of the period for which it has been imposed, if the obligation has been applied for at least one year, and the sentenced person's behaviour suggests that the continued application of the obligation is not necessary to meet the objectives of the penal measure.

Art. 84a (repealed)

CHAPTER IX. CONCURRENCE OF OFFENCES AND THE AGGREGATION OF SENTENCES AND PENAL MEASURES.

Art. 85. Principles of aggregating sentences.

§ 1. The court shall pass an aggregate sentence, taking as the basis individual sentences imposed for the concurrent offences, if an offender has committed two or more offences before a first judgment, even if not final and non-appealable, has been passed in respect of any of those offences, for which sentences of the same type or other concurrent sentences have been imposed.

§ 2. Aggregate sentence shall not apply to the sentences referred to in Article 114a.

Art. 85a. Preventive and educational objectives. When passing an aggregate sentence, the court shall take into account, in particular, the preventive and educational objectives to be achieved by the sentence with regard to the sentenced person, as well as the needs of society in terms of legal awareness.

Art. 86. Length of an aggregate sentence.

§ 1. The court shall impose an aggregate sentence within the limit of the maximum sentences imposed for individual offences, but not exceeding 810 times the daily rate of a fine, 2 years' community sentence or 20 years' imprisonment. If the maximum sentence imposed for the individual offences is a fine of 810 daily rates, 2 years' imprisonment or 20 years' imprisonment, the lower limit for the aggregate sentence shall be adopted at such level. The community sentence shall be imposed in months and years.

§ 1a. If the total sentence of imprisonment is 25 years or more, where at least one of the sentences to be aggregated is for not less than 10 years, the court may pass an aggregate sentence of 25 years' imprisonment.

§ 2. When passing an aggregate fine, the court shall redetermine the value of the daily rate of a fine, based on the directives specified in Article 33 § 3; however, the level of a daily rate of the fine may not exceed the maximum previously determined level.

§ 2a. If at least one of the fines to be aggregated is a specific amount, then the aggregate fine shall be imposed as a specific amount.

§ 2b. If at least one of the fines to be aggregated has been imposed on the basis of the provision providing for a higher upper limit of the statutory penalty than that specified in Article 33 § 1, the court shall impose an aggregate fine ranging from the highest of the penalties of this type imposed for the individual offences up to their total, but not exceeding 4,500 daily rates of a fine, or the highest of the fines if it exceeds 4,500 daily rates.

§ 3. When imposing an aggregate community sentence, the court shall redetermine the obligations or the amount of the deductions referred to in Article 34 § 1a and may also impose on the offender the obligations set forth in Article 72 § 1 subparagraph 2-7a, and may order payment of the pecuniary benefit referred to in Article 39 subparagraph 7.

§ 4. (repealed)

Art. 87. Sentence of imprisonment aggregated with community sentence.

§ 1. When passing a sentence of imprisonment and community sentence for concurrent offences, the court shall impose an aggregate sentence of imprisonment assuming that one month of community sentence equals 15 days of imprisonment.

§ 2. If a sentence of imprisonment and a community sentence has been imposed for concurrent offences and the aggregate term of imprisonment would not exceed 6 months and the aggregate term of community sentence would not exceed 2 years, the court may impose these aggregate sentences simultaneously if the sentencing objectives are thereby achieved.

Art. 88. Aggregation of most severe sentences. If the most severe sentence imposed for one of the concurrent offences is 25 years' imprisonment or life imprisonment, then such sentence shall be imposed as the aggregate sentence; in the case of two or more concurrent sentences of 25 years' imprisonment, the court may impose a sentence of life imprisonment as the aggregate sentence.

Art. 89. Suspended sentence.

§ 1. When imposing suspended or immediate sentences of imprisonment for concurrent offences, the court may conditionally suspend the enforcement of the aggregate sentence going for a term not exceeding one year if at the time of committing each of these offences the offender was not sentenced to imprisonment and this is sufficient to achieve the sentencing objectives and, in particular, to prevent relapse into crime.

§ 1a. When passing a suspended sentence of imprisonment for concurrent offences, the court may, in a judgment aggregating sentences, impose an immediate aggregate sentence of imprisonment.

§ 1b. The court shall pass an immediate aggregate sentence of imprisonment assuming that one month of a suspended sentence of imprisonment equals 15 days of an immediate sentence of imprisonment.

§ 2. *(repealed)*

§ 3. *(repealed)*

Art. 89a. Suspended aggregate sentence.

§ 1. If at least one of the sentences to be aggregated is a suspended sentence of imprisonment imposed under Article 60 § 5 and that sentence shall not be aggregated with a more severe term of imprisonment, the court may impose a total term of imprisonment equal to the length of suspended sentence of imprisonment imposed under Article 60 § 5, insofar as it simultaneously applies the conditional suspension of the aggregate sentence.

§ 2. When passing a suspended aggregate sentence of imprisonment, the court may impose a fine under Article 71 § 1 even if none has been imposed for concurrent offences.

§ 3. If there are two concurrent sentences with probation periods, the court shall redefine a probation period and the associated obligations. If there are concurrent sentences under § 1, the probation period may be up to 10 years.

Art. 90. Penal measures and preventive measures.

§ 1. Penal measures, forfeiture, compensation measures, preventive measures and supervision shall apply even if they have only been imposed with regard to one of the concurrent offences.

§ 2. If the deprivation of civil rights, disqualifications or obligations of a particular type are imposed for concurrent offences, the court shall apply accordingly the provisions concerning aggregate sentences.

Art. 91. Series of offences.

§ 1. If the offender commits two or more offences using the same opportunity at short time intervals before the first judgment is passed for any of these offences, even though such sentence has not yet become final and non-appealable, the court shall impose a single sentence specified in the provision providing the basis for its length in respect of each of these offences, up to the upper statutory limit, increased by half.

§ 2. If the offender commits two or more series of offences specified in § 1, or a series of offences and another offence, under the circumstances specified in Article 85 § 1, the court shall impose an aggregate sentence applying the relevant provisions of this chapter.

§ 3. If the offender has been sentenced to two or more sentences for offences belonging to a series of offences as specified in § 1, the aggregate sentence may not exceed the upper statutory limit increased by half, as specified in the provisions providing the basis for its length in respect of each of these offences.

Art. 91a. Combined judgment. The fact that individual penalties imposed for a series of offences or for concurrent offences have already been enforced in whole or in part shall not be a bar to passing a combined judgment. The provision of Article 71 § 2 shall apply accordingly.

Art. 92 *(repealed)*

Art. 92a (repealed)

CHAPTER X. SECURITY MEASURES.

Art. 93 (repealed)

Art. 93a. List of security measures.

§ 1. Security measures include:

- 1) electronic monitoring;
- 2) therapy;
- 3) addiction therapy;
- 4) stay in a psychiatric institution.

§ 2. If the law so provides, the orders and prohibitions referred to in Article 39 subparagraphs 2 to 3 may be issued as a security measure.

Art. 93b. Granting and lifting security measures.

§ 1. The court may grant a security measure where it is necessary to prevent the offender from reoffending and the other measures set out herein or otherwise legally ordered are not sufficient. The security measure referred to in Article 93a § 1 subparagraph 4 may only be granted to prevent the offender from committing another prohibited act of considerable social harmfulness.

§ 2. The court shall lift the security measure when its continued application is no longer necessary.

§ 3. The security measure and the manner in which it is to be enforced should be appropriate to the degree of social harmfulness of the prohibited act that the offender may commit and the probability of its commission, and should take into account the needs and progress of therapy or addiction therapy. The court may change the security measure imposed on the likelihood of its commission offender or the manner in which it is to be enforced if the previously imposed measure has become inappropriate or is unenforceable.

§ 4. More than one security measure may be ordered with regard to the same offender; the provisions of §§ 1 and 3 shall apply, taking into account all security measures ordered.

§ 5. The court shall order a stay in a psychiatric institution only if the law so provides.

Art. 93c. Issuing orders. Security measures may be ordered against an offender:

- 1) with regard to whom proceedings concerning an act committed in a state of insanity referred to in Article 31 § 1 have been discontinued;
- 2) in the event of a conviction for the offence committed in a state of diminished responsibility referred to in Article 31 § 2;
- 3) in the event of a conviction for the offence referred to in Article 148, Article 156, Article 197, Article 198, Article 199 § 2 or Article 200 § 1, committed in relation to paraphilias;
- 4) in the event of an immediate sentence of imprisonment being passed for the intentional offence defined in Chapters XIX, XXIII, XXV or XXVI, committed in relation to a personality disorder of such a nature or gravity that it is at least very likely that a prohibited act involving violence or threatened violence will be committed;
- 5) in the event of a conviction for an offence committed in relation to an abuse of alcohol, drug or any other similar substance.

Art. 93d. Duration of application of the security measure.

§ 1. The duration of application of the security measure shall not be pre-determined.

§ 2. When revoking a stay in a psychiatric institution, the court may decide to apply one or more of the security measures referred to in Article 93a § 1 subparagraphs 1 to 3.

§ 3. The court shall determine whether it is necessary and possible to enforce the imposed security measure not earlier than 6 months prior to the expected release on licence or serving the imprisonment sentence.

§ 4. If the offender is subject to the sentence of imprisonment, the security measures referred to in Article 93a § 1 subparagraphs 1 to 3 may also be ordered pending enforcement of the sentence but not earlier than 6 months prior to the expected release on licence or serving the imprisonment sentence.

§ 5. Unless otherwise provided by law, if the offender is sentenced to immediate imprisonment, 25 years' imprisonment or life imprisonment, the imposed security measure shall apply after the offender has served the sentence or been released on licence.

§ 6. If the offender's conduct following the lifting of a security measure indicates that it is necessary to apply security measures, the court may, not later than within 3 years of the measure being lifted, order the same security measure or another measure referred to in Article 93a § 1 subparagraphs 1 to 3.

Art. 93e. Obligation to submit to location electronic monitoring. An offender with regard to whom location electronic monitoring has been ordered is required to submit to a continuous location check by means of technical devices, including an electronic tag.

Art. 93f. Obligation to undergo addiction therapy in an institution.

§ 1. An offender with regard to whom a therapy has been ordered is required to report to the institution designated by the court within the time frame set by the psychiatrist, sexologist or therapist and to undergo pharmacological therapy aimed at weakening his or her sexual drive, psychotherapy or psychoeducation in order to improve his functioning in society.

§ 2. An offender with regard to whom an addiction therapy has been ordered is required to report to the rehabilitation institution designated by the court within the time frame set by the physician and to undergo treatment for addiction to alcohol, drugs or other similar substances.

Art. 93g. Ordering a stay in a psychiatric institution.

§ 1. The court shall issue an order to stay in a relevant psychiatric institution against the offender referred to in Article 93c subparagraph 1 if it is very likely that he or she will commit another offence of significant social harmfulness in connection with a mental illness or mental disability.

§ 2. When sentencing the offender referred to in Article 93c subparagraph 2 to immediate imprisonment, 25 years' imprisonment or life imprisonment, the court shall order a stay in an appropriate psychiatric institution if it is very likely that he or she will commit another offence of significant social harmfulness in connection with a mental illness or mental disability.

§ 3. When sentencing the offender referred to in Article 93c subparagraph 3 to immediate imprisonment, 25 years' imprisonment or life imprisonment, the court shall order a stay in an appropriate psychiatric institution if it is very likely that he or she will commit an offence against life, health or sexual freedom in connection with paraphilias.

Art. 94 (repealed)

Art. 95 (repealed)

Art. 95a (repealed)

Art. 96 (repealed)

Art. 97 (repealed)

Art. 98 (repealed)

Art. 99. Order and prohibitions.

§ 1. If the offender has committed a prohibited act in the state of insanity referred to in Article 31 § 1, the court may, as a security measure, issue the order or prohibitions specified in Article 39 subparagraphs 2 to 3.

§ 2. The prohibitions specified in Article 39 subparagraphs 2 to 3 shall be imposed without specifying their duration; the court shall decide to lift them if there are no longer the grounds for their application.

Art. 100 (repealed)

CHAPTER XI. LIMITATION PERIODS.

Art. 101. Limitation period for punishability.

§ 1. An offence shall no longer be punishable if, from the moment it was committed, the following number of years have passed:

- 1) 30 - where the act constitutes an indictable offence of homicide;
- 2) 20 - where the act constitutes any other indictable offence;
- 2a) 15 - where the act constitutes a summary offence punishable by imprisonment exceeding 5 years;
- 3) 10 - where the act constitutes a summary offence punishable by imprisonment exceeding 3 years;
- 4) 5 - for all other summary offences;
- 5) (repealed)

§ 2. An offence prosecuted by an aggrieved party shall cease to be punishable after 1 year from the date on which the aggrieved party became aware of the identity of the offender, but not later than 3 years from the moment the offence was committed.

§ 3. In the cases provided for in §§ 1 or 2, if commission of the offence depends on a result specified by law, the period of limitation starts to run from the moment the result occurred.

§ 4. In respect of:

- 1) summary offences against life and health, committed to the detriment of a minor, punishable by a sentence whose upper limit exceeds 5 years' imprisonment,
- 2) offences specified in Chapter XXV, committed to the detriment of a minor, or where pornographic content involves a minor,
- may not cease to be punishable before the minor attains 30 years of age.

Art. 102. Extending the limitation period. If proceedings are initiated within the period referred to in Article 101, the offences defined in Article 101 §1 shall cease to be punishable after 10 years or after 5 years in other cases, from the end of that period.

Art. 103. Limitation period for enforcement.

§ 1. A sentence may not be enforced if, from the time when a conviction became final and non-appealable, the following number of years have passed:

- 1) 30 - with regard to a sentence of imprisonment for a term exceeding 5 years or a more severe sentence;
- 2) 15 - with regard to a sentence of imprisonment for a term going up to 5 years;
- 3) 10 - with regard to any other sentence.

§ 2. The provision of § 1 subparagraph 3 shall apply accordingly to the penal measures, compensation measures and forfeiture.

Art. 104. Tolling of the limitation period.

§ 1. The period of limitation does not run if a provision of law prevents criminal proceedings from being initiated or continued; this does not apply to the absence of a request or to a private complaint.

§ 2. (*repealed*)

Art. 105. Exceptions to the limitation period.

§ 1. The provisions of Articles 101 to 103 shall not apply to indictable offences against peace, indictable offences against humanity or war crimes.

§ 2. The provisions of Articles 101 to 103 shall not apply to the intentional offences of homicide, grievous bodily harm, serious damage to health, or unlawful imprisonment connected with particular suffering, committed by a public official in connection with his or her official duties.

CHAPTER XII. EXPUNGEMENT.

Art. 106. Effects. Upon expungement, the sentence is considered to have never been passed; the record of the sentence is deleted from the register of sentenced persons.

Art. 106a. Offences not eligible for expungement. An immediate sentence of imprisonment passed for offences against sexual freedom and decency shall not be expunged if the aggrieved party was a minor under the age of 15.

Art. 107. Grounds.

§ 1. In the event of a sentence of imprisonment, as specified in Article 32 subparagraph 3, or of 25 years' imprisonment, the expungement of the sentence shall take effect by operation of law 10 years after the same has been enforced or pardoned, or from the time its enforcement has become prescribed.

§ 2. The court may, at the request of the sentenced person, order the expungement of the sentence as early as after 5 years, if the sentenced person has respected the legal order during this period, and if his or her sentence of imprisonment did not exceed 3 years.

§ 3. In the event of a sentence to life imprisonment, the sentence shall become automatically expunged 10 years after the same has been enforced or pardoned, or from the time its enforcement has become prescribed.

§ 4. In the event of a community sentence the sentence shall become automatically expunged 3 years after it has been enforced or pardoned, or from the time its enforcement has become prescribed.

§ 4a. In the event of a fine, the sentence shall become automatically expunged one year after the sentence has been enforced, pardoned or its enforcement has become prescribed.

§ 5. In the event of an absolute discharge, the sentence shall become automatically expunged one year after the date of a final and non-appealable judgment.

§ 6. If a penal measure, forfeiture or a compensation measure has been imposed, the sentence may not become expunged before the same is enforced, pardoned or before its enforcement becomes prescribed. Nor may the sentence become expunged before the protective measure is enforced.

Art. 107a (repealed)

Art. 108. Concurrent convictions. If an offender has been sentenced for two or more non-concurrent offences, and if the sentenced person commits another offence after the period required for expungement has started, but before the period has finished, then it is only possible to expunge all the sentences at the same time.

CHAPTER XIII. LIABILITY FOR OFFENCES COMMITTED ABROAD.

Art. 109. Polish citizens. Polish criminal law applies to Polish citizens who have committed an offence abroad.

Art. 110. Foreigners.

§ 1. Polish criminal law applies to foreigners who have committed a prohibited act abroad that is against the interests of the Republic of Poland, a Polish citizen, a Polish legal entity or a Polish unincorporated entity as well as to foreigners who have committed a terrorist offence abroad.

§ 2. Polish criminal law applies to foreigners who have committed a prohibited act abroad other than those listed in § 1 if, under Polish criminal law, the prohibited act carries a penalty exceeding 2 years' imprisonment, where the offender remains in the Republic of Poland and where no decision to extradite him or her has been issued.

Art. 111. Act committed abroad.

§ 1. For an act committed abroad to be considered an offence, it must be considered an offence also by the law in force in the jurisdiction where it was committed.

§ 2. If there are differences between the Polish criminal law and the law in force in the jurisdiction where the act was committed, when applying Polish law, the court may take such differences into account in favour of the offender.

§ 3. The condition provided for in § 1 shall not apply to a Polish public official who, while performing his duties abroad, has committed an offence there in connection with performing his or her duties, or to a person who committed an offence in a place which is beyond the jurisdiction of any state authority.

Art. 112. Mandatory application of Polish law. Notwithstanding the provisions in force in the jurisdiction where the prohibited act was committed, Polish criminal law applies to a Polish national or a foreigner who commits:

- 1) an offence against the internal or external security of the Republic of Poland;
 - 1a) *(no longer in force)*
- 2) an offence against Polish offices or public officials and an offence of obtaining, by false pretences, a certification of untruth from a Polish public official or any other person authorised under Polish law to issue a document;
- 3) an offence against Poland's material economic interests;
- 4) an offence of providing false testimony, false statement, opinion or translation, using another person's identity document or a document attesting the untruth or a false document before a Polish office;
- 5) an offence from which a financial benefit was gained, even if indirectly, in the Republic of Poland.

Art. 113. Prosecution under international agreements. Regardless of the regulations in force in the jurisdiction where the offence was committed, Polish criminal law applies to a Polish national, or to a foreigner with regard to whom no extradition decision has been issued, in respect of an offence committed abroad, which the Republic of Poland is obliged to prosecute under international agreements, or of the offence referred to in the Rome Statute of the International Criminal Court, done at Rome on 17 July 1998 (Journal of Laws of 2003, item 708 and of 2018, item 1753).

Art. 114. Sentencing abroad.

§ 1. A sentence passed abroad shall not prevent criminal proceedings for the same offence from being instituted before a Polish court.

§ 2. The court shall credit any actual time served in custody abroad and the sentence enforced there towards the sentence imposed, taking into consideration the differences between the sentences.

§ 3. The provision of § 1 shall not apply:

- 1) if a sentence passed abroad was handed over to be enforced in the Republic of Poland, or when a sentence passed abroad concerned an offence where either the prosecution was taken over or the offender was extradited from the Republic of Poland;

2) to sentences passed by international criminal courts acting under international law by which the Republic of Poland is bound;

3) to final and non-appealable sentences of foreign courts or other authorities of foreign states concluding criminal proceedings if this results from an international treaty by which the Republic of Poland is bound.

§ 4. If a Polish national who has been sentenced under a final and non-appealable judgment by a foreign court is surrendered for the purpose of serving the sentence in the Republic of Poland, the court shall determine, under Polish law, the legal classification of the act, and the sentence to be enforced, or any other criminal measure provided for in this Act; the basis for determining the sentence or another measure to be enforced will be provided by a judgement rendered by a foreign court, the sentence prescribed for such an act under Polish law, the actual time spent in custody abroad, the sentence or another measure enforced there, with the differences between these penalties to be taken into account in favour of the sentenced person.

Art. 114a. Principle of mutual recognition of court rulings.

§ 1. A conviction shall also mean a final and non-appealable conviction for an offence issued by a court having jurisdiction in criminal matters in a Member State of the European Union, unless the act does not constitute an offence under the Polish criminal law, the offender is not subject to a penalty or a sentence unknown under Polish law has been imposed.

§ 2. In the event of a conviction being issued by the court referred to in § 1 in cases regarding:

1) the application of new criminal law which entered into force after date of the conviction,

2) the expungement

- the law in force at the place of conviction shall apply. Article 108 shall not apply.

§ 3. The provision of § 1 shall not apply if the information obtained from the criminal record or from a court of a Member State of the European Union is not sufficient to establish the conviction or if the sentence imposed is to be pardoned in the State in which the conviction was passed.

CHAPTER XIV. EXPLANATION OF LEGAL EXPRESSIONS.

Art. 115. Statutory terms.

§ 1. A prohibited act is any conduct meeting the elements specified under criminal law.

§ 2. In assessing the level of the social harmfulness of an act, the court shall take into account the type and nature of the infringed interest, the scale of the damage caused or anticipated damage, the method and circumstances of perpetrating the act, the importance of the duties breached by the offender, as well as the form of intent and motivation of the offender, the type of standard of care breached and the degree of the breach.

§ 3. Similar offences are offences of the same type. Offences committed with the use of violence or threatening to use violence, as well as offences committed with the intent to procure financial benefits, are regarded as similar offences.

§ 4. A financial or personal benefit is a benefit which the offender procures for himself/herself or for a third party.

§ 5. Property of significant value means property with a value which, at the time when the prohibited act is committed, exceeds PLN 200,000.

§ 6. Property of great value means property with a value which, at the time when the prohibited act is committed, exceeds PLN 1,000,000.

§ 7. The provision of § 5 shall apply accordingly to the expressions "significant damage" and "value or total value is significant".

§ 7a. The provision of § 6 shall apply accordingly to the expression "large-scale damage".

§ 8. (*repealed*)

§ 9. Movable property or an item also means Polish or foreign currency, or another means of payment, cash recorded in the account and a document entitling the holder to a sum of money or setting out an obligation to pay capital, interest, a share in profits or an interest in a company.

§ 9a. Particularly aggravated theft means:

1) theft whose perpetrator shows a disrespectful or defamatory behaviour towards the possessor of the thing or other persons, or uses violence other than violence against a person to take possession of the property;

2) theft of movable property located directly on the person or in the clothes he or she is wearing, or carried or moved by that person in conditions of direct contact, or in objects carried or moved under such conditions.

§ 10. A young offender is an offender who, at the time of committing a prohibited act, has not attained 21 years of age and has not attained 24 years of age at the time of being tried before the first-instance court.

§ 11. A family or household member is a spouse, an ascendant, descendant, brother or sister, relative by marriage in the same line or degree, a person in an adopted relation, as well as his or her spouse, and a domestic partner.

§ 12. An unlawful threat is both the threat mentioned in Article 190, and also a threat to bring criminal proceedings or other proceedings in which an administrative fine may be imposed, as well as to spread defamatory information concerning the threatened person's honour or that of his or her family or household member. A declaration that criminal proceedings or other proceedings in which an administrative fine may be imposed will be instituted does not constitute a threat if made solely to protect a legal right violated by an offence or conduct punishable by an administrative fine.

§ 13. A public official is:

- 1) the President of the Republic of Poland;
- 2) a member of parliament, a senator, a councillor;
- 2a) a member of the European Parliament;
- 3) a judge, a lay judge, a public prosecutor, an official of a financial investigative authority or of an authority supervising a financial investigative authority, a notary, an enforcement officer, a probation officer, a receiver, a court-appointed supervisor and administrator, a person adjudicating in disciplinary bodies operating pursuant to law;
- 4) an employee in a state administration, another state authority or local government, unless this person performs exclusively servicing duties, and any other person authorised to make administrative decisions;
- 5) an employee of a state audit and inspection authority, or a local government auditing and inspection authority, unless this person performs exclusively servicing duties;
- 6) a person holding a managerial office in another state institution;
- 7) an official of an authority responsible for the protection of public security, or an official of the State Prison Service;
- 8) a person performing active military service, except for territorial military service performed on a voluntary basis;
- 9) an employee of an international criminal tribunal, unless this person performs exclusively servicing duties.

§ 14. A document is any item or record on a computer data carrier to which a specific right is attached, or which, given its content, constitutes evidence of a right, a legal relationship or a circumstance that may be of legal relevance.

§ 14a. An invoice is a document referred to in Article 2 subparagraph 31 of the Goods and Services Tax Act of 11 March 2004 (Journal of Laws of 2021, item 685, as amended).

§ 15. For the purposes of this Code, a permanent platform on the continental shelf is regarded as a sea vessel.

§ 16. For the purposes of this Code, insobriety occurs when:

- 1) the alcohol content in the blood exceeds 0.5 per mille, or leads to a concentration exceeding this level,
- 2) the alcohol content in 1 dm³ of the exhaled air exceeds 0.25 mg, or results in a concentration exceeding this level.

§ 17. A soldier is a person performing active military service, except for territorial military service performed on a voluntary basis.

§ 18. An order is a command to carry out or refrain from carrying out a specified action issued officially to a soldier by his superior or an authorised soldier of superior rank.

§ 19. A person exercising a public function is a public official, a member of local government, a person employed in an organisational unit provided with public funds, unless this person performs exclusively servicing duties, and any other person whose rights and obligations in terms of public activity are defined or recognised by law or an international agreement by which the Republic of Poland is bound.

§ 20. A terrorist offence is a prohibited act which carries a sentence of imprisonment for a maximum term not shorter than 5 years, committed with the intention of:

- 1) seriously intimidating a large number of people,
 - 2) forcing a public authority of the Republic of Poland, or another state or international organisation, to take or to refrain from taking certain actions,
 - 3) causing a serious disturbance in the political system or the economy of the Republic of Poland, or another state or international organisation,
- or a threat to commit such an act.

§ 21. An offence of hooliganism is an offence involving a deliberate assault on health, freedom, honour or physical integrity, common safety, state or local government activities, public order, or intentional destruction of, damage to another person's

property, or rendering them unfit for use, if the offender acts in public, and without cause, or with a clearly trivial reason, showing a blatant disregard for the law.

§ 22. Trafficking in persons involves recruiting, transporting, delivering, transferring, harbouring or receiving persons by means of:

- 1) violence or unlawful threat of violence,
- 2) abduction,
- 3) deception,
- 4) misrepresentation or exploiting an error or inability to properly comprehend a decision,
- 5) an abuse of dependence, vulnerability or helplessness,
- 6) giving or accepting, or promising to give, any financial or personal benefit to a person exercising supervision or custody of another person

- for the purpose of exploiting them, even with their consent, in particular in prostitution, pornography or other forms of sexual exploitation, for forced work or services, for begging, for slavery or other forms of degrading human dignity, or for obtaining cells, tissues or organs contrary to the provisions of law. If offender's conduct involves a minor, this constitutes trafficking in persons even if none of the methods or measures referred to in subparagraphs 1 to 6 are used.

§ 22a. Adoption is the acquisition of parental responsibility with regard to a child by someone other than the person from whom the child originates.

§ 23. Slavery is a state of dependence in which a person is treated as an item of property.

§ 24. When assessing the size of a business, the court shall take into account the value of it.

CHAPTER XV. RELATION TO SPECIAL LAWS.

Art. 116. Application. The provisions of the General Part of this Code shall apply to offences defined in other laws providing for criminal liability unless those laws specifically exclude the application of these provisions.

PART II. SPECIAL PART.

CHAPTER XVI. OFFENCES AGAINST PEACE, HUMANITY, AND WAR CRIMES.

Art. 117. War of aggression.

§ 1. Anyone who initiates or conducts a war of aggression

shall be liable to imprisonment for a minimum term of 12 years, 25 years' imprisonment or life imprisonment.

§ 2. (*repealed*)

§ 3. Anyone who publicly incites the initiation or approves the initiation or continuance of a war of aggression shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 118. Annihilation.

§ 1. Anyone who murders or causes grievous bodily harm to a person belonging any ethnic, racial, political or religious group, or a group with a different perspective on life, with the purpose of partially or completely annihilating such group shall be liable to imprisonment for a minimum term of 12 years, 25 years' imprisonment or life imprisonment.

§ 2. Anyone who, acting with the intention specified under § 1, creates living conditions threatening the biological annihilation of the members of such a group, or uses means to prevent births within this group, or forcibly removes children from those belonging to such a group, shall be liable to imprisonment for a minimum term of 5 years or 25 years' imprisonment.

§ 3. (*repealed*)

Art. 118a. Mass attack on people.

§ 1. Anyone who, while taking part in a mass attack or even one of repeated attacks directed against a group of people taken to implement or support the policy of a state or organisation:

- 1) murders,
- 2) causes grievous bodily harm to human health,
- 3) creates living conditions threatening the biological existence of a group of people, in particular by preventing access to food or medical care, which is aimed at their annihilation,

shall be liable to imprisonment for a minimum term of 12 years, 25 years' imprisonment or life imprisonment.

§ 2. Anyone who, taking part in a mass attack or even one of repeated attacks directed against a group of people taken to implement or support the policy of a state or organisation:

- 1) causes a person to become enslaved or maintains a person in a state of slavery,
- 2) deprives a person of their freedom for a period exceeding 7 days or with special torment,
- 3) uses torture or subjects a person to cruel or inhuman treatment,
- 4) commits a rape or otherwise violates a person's sexual freedom by means of violence, an unlawful threat of violence or deceit,
- 5) uses violence or an unlawful threat of violence either in order to impregnate a woman in an attempt to influence the ethnic composition of a group of people or to carry out other serious breaches of international law,
- 6) deprives a person of freedom and refuses to provide information relating to the person or their location, or provides inaccurate information on the person or their location with the intent to deprive that person of legal protection for a longer period,

shall be liable to imprisonment for a minimum term of 5 years or 25 years' imprisonment.

§ 3. Anyone who takes part in a mass attack, or even in one of repeated attacks against a group of people in order to implement or support the policy of a state or an organisation and, in doing so:

- 1) compels, in violation of international law, such people to change their lawful place of residence,
- 2) severely persecutes a group of people for reasons recognised as inadmissible under international laws, in particular for reasons of political, racial, national, ethnic, cultural, religious belief or lack of religious belief, world view or gender nature, thereby depriving them of their fundamental rights,

shall be liable to an imprisonment for a term not shorter than 3 years.

Art. 119. Violence and unlawful threat.

§ 1. Anyone who uses violence or makes an unlawful threat towards a person or a group of people on national, ethnic, racial, political or religious grounds, or because of a lack of religious belief, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. (*repealed*)

Art. 120. Means of mass extermination. Anyone who uses means of mass extermination prohibited by international law, shall be liable to imprisonment for a minimum term of 10 years, 25 years' imprisonment or life imprisonment.

Art. 121. Additional information.

§ 1. Anyone who violates a prohibition imposed by international or national law by manufacturing, amassing, purchasing, trading in, storing, transporting or dispatching a means of mass extermination or means of warfare, or who undertakes research aimed at the manufacture or use of such means, shall be liable to imprisonment for a term going between one year and 10 years.

§ 2. Anyone who allows others to commit the act specified in § 1 shall be liable to the same penalty.

Art. 122. Impermissible attacks and means of warfare.

§ 1. Anyone who, during military operations, attacks an undefended locality or facility, sanitary, demilitarised or neutral zone, or uses any other means of warfare prohibited by international law, shall be liable to imprisonment for a minimum term of 5 years, or 25 years' imprisonment.

§ 2. Anyone who, while on military operations, uses a means of warfare prohibited by international law shall be liable to the same penalty.

Art. 123. Attack on a person.

§ 1. Anyone who, in violation of international law, murders:

- 1) persons who have surrendered by laying down their arms or having no means of defence,
- 2) the wounded, sick, shipwrecked persons, medical personnel or clergy,
- 3) prisoners of war,
- 4) civilians in an occupied area, an annexed area or an area under warfare, or anyone else who is protected by international law during warfare,

shall be liable to imprisonment for a minimum term of 12 years, 25 years' imprisonment or life imprisonment.

§ 2. Anyone who, in violation of international law, causes grievous bodily harm to the persons specified under § 1, or who subjects such persons to torture, cruel or inhumane treatment, or who makes them the objects of cognitive experiments, even with their consent, or who uses their presence to protect a certain area or facility, or armed units from warfare, or who holds such persons as hostages shall be liable to imprisonment for a minimum term of 5 years or 25 years' imprisonment.

Art. 124. Other violations of international law.

§ 1. Anyone who, in violation of international law, forces the persons specified in Article 123 § 1 to serve in the enemy's armed forces, or to engage in hostilities directed against his or her own country, uses corporal punishment, violence, unlawful threat of violence or deceit to engage in sexual intercourse or to submit to another sexual act or to perform such an act or an assault on personal dignity, in particular humiliating or degrading treatment, deprives them of their freedom or their right to be heard by an independent and impartial court or tribunal, or restricts their right to a defence in criminal proceedings, or who proclaims the rights or the claims of citizens of an opposing party as abolished, suspended or inadmissible in court, shall be liable to imprisonment for a minimum term of 3 years.

§ 2. Anyone who, in violation of international law, delays the repatriation of prisoners of war or civilians, displaces, resettles or deports civilians, or who conscripts or recruits to the armed forces anyone under 18 years of age, or effectively uses such persons in hostilities shall be liable to the same penalty.

Art. 125. Attack on cultural property.

§ 1. Anyone who, in violation of international law, destroys, damages, takes away or appropriates items of property or cultural property from an area occupied, annexed or under warfare shall be liable to imprisonment for a term going between one year and 10 years.

§ 2. If the act concerns property of substantial value or special cultural significance, the offender shall be liable to imprisonment for a minimum term of 3 years.

Art. 126. Illegal use of signs.

§ 1. Anyone who, during military operations, illegally uses the sign of the Red Cross or the Red Crescent shall be liable to imprisonment for a minimum term of 3 years.

§ 2. Anyone who, during military operations, illegally uses a protective sign identifying cultural property, or other signs protected under international law, or who uses a national flag or the military insignia of the enemy, a neutral country or an international organisation or commission, shall be liable to the same penalty.

Art. 126a. Public approval of or incitement to offences. Anyone who publicly incites others to commit an act specified in Articles 118, 118a, 119 § 1, or Articles 120 to 125, or who publicly approves the acts specified therein, shall be liable to imprisonment for a term going from 3 months to 5 years.

Art. 126b. Failure to fulfil a duty of proper supervision.

§ 1. Anyone who, by failing to fulfil a duty of proper supervision, allows the act referred to in Article 117 § 3, Articles 118, 118a, 119 § 1, or Articles 120 to 126a to be carried out by a person under their effective authority or control, shall be liable to the penalty specified therein.

§ 2. If the offender acts unintentionally, he or she shall be liable to imprisonment for a term going from 3 months to 5 years.

Art. 126c. Preparation for an offence. Anyone who makes preparations for the offence referred to in Article 117, Article 118 or Article 120, shall be liable to imprisonment for a term not shorter than 3 years.

§ 2. Anyone who makes preparations for the offence specified in Article 118a §§ 1 or 2, Article 122 or Article 123, shall be liable to imprisonment for a term going between one year and 10 years.

§ 3. Anyone who makes preparations to commit the offence specified in Article 124 § 1 or Article 125, shall be liable to imprisonment for a term going up to 3 years.

CHAPTER XVII. OFFENCES AGAINST THE REPUBLIC OF POLAND.

Art. 127. Coup d'etat.

§ 1. Anyone who, intending to deprive the Republic of Poland of its independence, detaching a portion of its territory or overthrowing its constitutional system by force, undertakes, in agreement with others, activities directly aimed at achieving this purpose, shall be liable to imprisonment for a minimum term of 10 years, 25 years' imprisonment or life imprisonment.

§ 2. Anyone who makes preparations to commit the offence specified in § 1, shall be liable to imprisonment for a minimum term of 3 years.

Art. 128. Additional information.

§ 1. Anyone who, with the intention of using force to remove the constitutional authority of the Republic of Poland, undertakes activity directly aimed at achieving that purpose, shall be liable to imprisonment for a minimum term of 3 years.

§ 2. Anyone who makes preparations to commit the offence specified in § 1, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. Anyone who, by using force or unlawful threat, influences the official activities of a constitutional authority of the Republic of Poland shall be liable to imprisonment for a term going between one year and 10 years.

Art. 129. Diplomatic betrayal. Anyone who, while authorised to act in the name of the Republic of Poland in its relations with the government of a foreign State or a foreign organisation, acts to the detriment of the Republic of Poland shall be liable to imprisonment for a term going between one year and 10 years.

Art. 130. Espionage.

§ 1. Anyone who takes part in the activities of a foreign intelligence service against the Republic of Poland shall be liable to imprisonment for a term going between one year and 10 years.

§ 2. Anyone who, while taking part in the activities of a foreign intelligence service, or acting for its benefit, provides the service with information which, if passed on, may be detrimental to the Republic of Poland, shall be liable to imprisonment for a minimum term of 3 years.

§ 3. Anyone who, for the purpose of providing a foreign intelligence service with the information specified in § 2, collects or stores information, connects to a computer network in order to obtain the same, or declares willingness to work for the benefit of a foreign intelligence service against the Republic of Poland, shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 4. Anyone who organises or directs the activities of a foreign intelligence service shall be liable to imprisonment for a minimum term of 5 years or for 25 years' imprisonment.

Art. 131. Voluntary discontinuance.

§ 1. Anyone who has voluntarily discontinued further activities and disclosed to the law enforcement authority all the relevant circumstances of the committed act, shall not be liable to a penalty for attempting to commit the offence specified in Article 127 § 1 or in Article 128 § 1 or in Article 130 § 1 or 2; the provision of Article 17 § 2 shall apply accordingly.

§ 2. Anyone who has voluntarily discontinued further activities and undertaken substantive efforts aimed at preventing the commission of an intended prohibited act and has disclosed to the law enforcement authority all the relevant circumstances of the committed act, shall not be liable to a penalty for the offence specified in Article 128 § 2, Article 129 or in Article 130 § 3.

Art. 132. Misinformation. Anyone who, while providing intelligence services to the Republic of Poland, misleads a Polish state authority by furnishing it with forged or altered documents, or by concealing true information or furnishing false information of essential importance to the Republic of Poland, shall be liable to imprisonment for a term going between one year and 10 years.

Art. 132a. (no longer in force).

Art. 133. Public insult. Anyone who publicly insults the nation or the Republic of Poland shall be liable to imprisonment for a maximum term of 3 years.

Art. 134. Attack on the President. Anyone who makes an attempt on the life of the President of the Republic of Poland shall be liable to imprisonment for a minimum term of 12 years, 25 years' imprisonment or life imprisonment.

Art. 135. Assault or insult of the President.

§ 1. Anyone who commits an active assault on the President of the Republic of Poland shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who publicly insults the President of the Republic of Poland shall be liable to imprisonment for a maximum term of 3 years.

Art. 136. Assault or insult of a foreign head of state.

§ 1. Anyone who, while in the Republic of Poland, commits an active assault on the head of a foreign State, the head of the diplomatic representation of a foreign State who is accredited to the Republic of Poland, or on a person enjoying similar protection by operation of law, a treaty or generally accepted international custom, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who, while in the Republic of Poland, commits an active assault on a person belonging to the diplomatic personnel of a mission of a foreign country to Poland, or on a consular official of a foreign country in connection with the performance of their official duties shall be liable to imprisonment for a maximum term of 3 years.

§ 3. Anyone who, while in the Republic of Poland, publicly insults the person referred to in § 1 shall be liable to the penalty specified in § 2.

§ 4. Anyone who, while in the Republic of Poland publicly insults the person referred to in § 2 shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

Art. 137. State symbols.

§ 1. Anyone who publicly profanes, destroys, damages or removes an emblem, banner, standard, ensign, flag or any other state symbol shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 2. Anyone who, while in the Republic of Poland, profanes, destroys, damages or removes an emblem, banner, standard, flag or any other symbol of another state that is publicly displayed by a mission of this state or upon an order of a Polish authority shall be liable to the same penalty.

Art. 138. Principle of reciprocity.

§ 1. The provisions of Articles 136 and 137 § 2 shall apply if the foreign state guarantees reciprocity.

§ 2. The provisions of Articles 127, 128, 130 and 131 shall apply accordingly if the prohibited act is committed to the detriment of an allied state that guarantees reciprocity.

Art. 139. Forfeiture. While sentencing for the offences specified in Article 127, Article 128 and Article 130, the court may order forfeiture of the items, also if these are not owned by the offender.

CHAPTER XVIII. OFFENCES AGAINST DEFENCE CAPABILITIES.

Art. 140. Terrorist attack.

§ 1. Anyone who, for the purpose of weakening the defence capability of the Republic of Poland, commits a violent assault on a unit of the Armed Forces of the Republic of Poland, or destroys or damages a facility or equipment of defensive significance shall be liable to imprisonment for a term going between one year and 10 years.

§ 2. If the act results in the death of a person or a grievous bodily harm to the health of a number of persons, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

§ 3. Anyone who makes preparations to commit the offence specified in § 1 shall be liable to imprisonment for a maximum term of 3 years.

§ 4. While sentencing for the offences specified in §§1-3, the court may order forfeiture of the items, also if these are not owned by the offender.

Art. 141. Service in a foreign army.

§ 1. Any Polish national who undertakes military duties in a foreign army or military organisation without an authorisation from a relevant authority shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who assumes duties in a mercenary military service prohibited by international law shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 3. A Polish national who is also a national of another state does not commit the offence specified in § 1 if he or she resides in the latter state and completes his or her military service there.

Art. 142. Recruitment to a foreign army.

§ 1. Anyone who, in violation of law, recruits Polish nationals or foreigners in the Republic of Poland for service in a foreign army or a foreign military organisation shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who recruits Polish nationals or foreigners in the Republic of Poland for service in a mercenary military army prohibited by international law, or who pays for, organises, trains or uses such service, shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 143. Evading military service.

§ 1. Anyone who, for the purpose of being released from or postponing the duty to perform compulsory military service causes, or allows another person to cause on him, the consequence specified in Article 156 § 1 or Article 157 § 1, or uses deceit to mislead a competent authority shall be liable to imprisonment for a maximum term of 3 years.

§ 2. Anyone who, for the purpose of assisting another person in being released from or postponing the duty to perform compulsory military service causes, with this person's consent, the consequence specified in Article 156 § 1 or Article 157 § 1, or uses deceit to mislead a competent authority shall be liable to the same penalty.

§ 3. Anyone who commits the prohibited act specified in §§ 1 or 2 with respect to a service substituting military service shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 144. Failing to report.

§ 1. Anyone who, being called upon to perform active military service, fails to report for this service at a designated time and place shall be liable to imprisonment for a maximum term of 3 years.

§ 2. In cases of lesser gravity, the offender shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 3. Anyone who fails to report for the service substituting the military service under the conditions specified in § 1 shall be liable to a fine or a community sentence.

Art. 145. Evading substitute military service.

§ 1. Concerning the service substituting the military service, anyone who:

1) refuses to perform the service, or maliciously or persistently refuses to perform the obligations resulting from the service, or to comply with a command regarding service matters,

2) in order to evade fully or partially the performance of the service or of an obligation resulting from this service:

a) causes or allows someone else to cause on him the consequence specified in Article 156 § 1 or Article 157 § 1,

b) uses deceit to mislead a superior

shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone who, while performing the service specified in § 1, without permission leaves the designated place where his duties are performed, or without permission stays away from it shall be liable to the same penalty.

§ 3. If the offender of the prohibited act specified in § 2 leaves the designated place where his service duties are performed or stays away from it, for the purpose of permanently evading the performance of the service, he or she shall be liable to imprisonment for a maximum term of 3 years.

Art. 146. Voluntary return. If the offender of the offence specified in Article 145 §§ 2 and 3 has voluntarily returned and his absence has not lasted longer than 14 days, the court may apply an extraordinary mitigation of penalty or even grant an absolute discharge.

Art. 147. Unfitness for military service. With respect to an offender of the offence specified in Article 143 § 1 or in Articles 144 or 145 who, at the time the offence was committed, was unfit for military service, the court may apply an extraordinary mitigation of penalty or even grant an absolute discharge.

CHAPTER XIX. OFFENCES AGAINST LIFE AND HEALTH.

Art. 148. Homicide.

§ 1. Anyone who kills a human shall be liable to imprisonment for a minimum term of 8 years, 25 years' imprisonment or life imprisonment.

§ 2. Anyone who kills a human:

1) with particular cruelty,

2) in relation to taking a hostage, rape or robbery,

3) for motives deserving particular condemnation,

4) with the use of explosives,

shall be liable to imprisonment for a minimum term of 12 years, 25 years' imprisonment or life imprisonment.

§ 3. Anyone who kills more than one person in a single act, or has previously been convicted for homicide by a final and non-appealable judgment, or who has killed a public official in the course of or in relation to performing his official duties relating to the protection of people's safety or security or public order shall also be liable to the penalty specified in § 2.

§ 4. Anyone who kills a person under the influence of an intense agitation justified by the circumstances shall be liable to imprisonment for a term going between one year and 10 years.

Art. 149. Neonaticide. A mother who kills her newborn at the time of delivery, while under the influence of its course, shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 150. Euthanatic homicide.

§ 1. Anyone who kills a person at his or her request and under the influence of compassion for that person shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. In exceptional circumstances the court may apply an extraordinary mitigation of penalty or grant an absolute discharge.

Art. 151. Assisting suicide. Anyone who, by inciting or providing assistance, causes a person to make an attempt on his or her own life shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 152. Abortion with consent.

§ 1. Anyone who, with a woman's consent, terminates her pregnancy in violation of law shall be liable to imprisonment for a maximum term of 3 years.

§ 2. The same penalty shall be imposed on anyone who assists a pregnant woman in terminating her pregnancy in violation of law, or who incites her to do so.

§ 3. Anyone who commits the act specified in §§ 1 or 2 after the conceived child is capable of living outside the pregnant woman's body shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 153. Abortion without consent.

§ 1. Anyone who terminates pregnancy by using force towards a pregnant woman or otherwise terminates pregnancy without her consent, or causes her, by force, unlawful threat or deceit, to terminate pregnancy shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. Anyone who commits the act specified in § 1 after the conceived child is capable of living outside the pregnant woman's body shall be liable to imprisonment for a term going between one year and 10 years.

Art. 154. Death of a pregnant woman.

§ 1. If the act specified in Articles 152 §§1 or 2 results in the death of the pregnant woman, the offender shall be liable to imprisonment for a term going between one year and 10 years.

§ 2. If the act specified in Articles 152 § 3 or in Article 153 results in the death of the pregnant woman, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

Art. 155. Involuntary manslaughter. Anyone who unintentionally causes a person's death shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 156. Grievous bodily harm.

§ 1. Anyone who causes grievous bodily harm by:

- 1) depriving a person of their sight, hearing, speech or the ability to procreate,
- 2) causing other severe disability, an incurable or prolonged illness, a potentially fatal illness, a permanent mental illness, a permanent total or significant incapacity to perform a profession, or a permanent serious bodily disfigurement or deformation,

shall be liable to imprisonment for a minimum term of 3 years.

§ 2. If the offender acts unintentionally, he or she shall be liable to imprisonment for a maximum term of 3 years.

§ 3. If the act specified in § 1 results in a person's death, the offender shall be liable to imprisonment for a term exceeding 5 years, 25 years' imprisonment or life imprisonment.

Art. 157. Other bodily harm.

§ 1. Anyone who causes a bodily injury or an impairment to health other than that specified in Article 156 § 1 shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who causes a bodily injury or an impairment to health lasting up to 7 days shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 3. If the offender of the act specified in §§ 1 or 2 acts unintentionally, he or she shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 4. If the bodily injury or an impairment to health has not lasted more than 7 days, the offence specified in §§ 2 or 3 shall be prosecuted by a private prosecutor unless the aggrieved party is a household or family member living with the offender.

§ 5. If the aggrieved party is a household or family member, the offence specified in § 3 shall be prosecuted on the aggrieved party's request.

Art. 157a. Prenatal bodily harm.

§ 1. Anyone who causes bodily injury or a potentially fatal impairment to health to a conceived child shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. No offence is committed by a doctor who causes bodily injury or health impairment to a conceived child as a result of treatment required to save the life or health of the conceived child or the pregnant woman.

§ 3. The mother of a conceived child shall not liable to a penalty if she commits the act specified in § 1.

Art. 158. Fight and beating.

§ 1. Anyone who participates in a fight or a beating likely to result in a fatality or in a consequence referred to in Article 156 § 1 or in Article 157 § 1 shall be liable to imprisonment for a maximum term of 3 years.

§ 2. If the fight or beating results in grievous bodily harm, the offender shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 3. If the fight or beating results in a person's death, the offender shall be liable to imprisonment for a term going between one year and 10 years.

Art. 159. Fight and beating involving dangerous objects. Anyone who takes part in a fight or beating using a firearm, knife or any other similarly dangerous object shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 160. Exposure to danger.

§ 1. Anyone who exposes a person to an imminent danger of loss of life, a grievous bodily harm, or a serious impairment to health shall be liable to imprisonment for a maximum term of 3 years.

§ 2. If the offender has a duty to take care of the person exposed to danger, he or she shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. If the offender of the act specified in §§1 or 2 acts unintentionally, he or she shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 4. An offender who voluntarily averted the threat of danger shall not be liable to a penalty for the offence specified in §§ 1 to 3.

§ 5. The offence specified in § 3 shall be prosecuted on the aggrieved party's motion.

Art. 161. Exposure to infection.

§ 1. Anyone who, knowing that he or she is infected with the HIV virus, directly exposes another person to infection from that disease shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. Anyone who, knowing that he or she is infected with a venereal or contagious disease, a serious incurable disease or a potentially fatal disease, directly exposes another person to infection from that disease shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. If the perpetrator of the act specified in § 2 exposes a number of persons to infection, he or she shall be liable to imprisonment for a term going between one year and 10 years.

§ 4. The offence specified in §§ 1 and 2 shall be prosecuted on the aggrieved party's motion.

Art. 162. Failure to provide assistance.

§ 1. Anyone who fails to provide assistance to a person facing an imminent danger of loss of life or a grievous bodily harm, despite having been able to provide assistance without exposing himself or herself or another person to the danger of loss of life or grievous bodily harm, shall be liable to imprisonment for a maximum term of 3 years.

§ 2. Anyone who fails to provide assistance to another person requiring a medical procedure, or where an immediate assistance can be provided by an institution or a person responsible for providing such assistance, does not commit an offence.

CHAPTER XX. OFFENCES AGAINST PUBLIC SAFETY.

Art. 163. Causing a life-threatening event.

§ 1. Anyone who causes an event that endangers the life or health of a number of persons or property to a significant extent in the form of:

- 1) fire,
- 2) collapse of a building structure, flooding, landslide, rockslide or snowslide,
- 3) explosion of explosive or flammable materials, or any other violent release of energy, or spreading of poisonous, asphyxiating or burning substances,
- 4) violent release of nuclear energy or ionising radiation

shall be liable to imprisonment for a term going between one year and 10 years.

§ 2. If the offender acts unintentionally he or she shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. If the act specified in § 1 results in the death of a human or grievous bodily harm to a number of persons, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

§ 4. If the act specified in § 2 results in the death of a human or grievous bodily harm to a number of persons, the offender shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 164. Imminent danger.

§ 1. Anyone who causes an imminent direct danger of the event referred to in Article 163 § 1 shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. If the offender acts unintentionally he or she shall be liable to imprisonment for a maximum term of 3 years.

Art. 165. Other dangers.

§ 1. Anyone who endangers the life or health of a number of persons or property of a significant value by:

- 1) causing an epidemiological hazard or spreading a contagious disease or an animal or plant pest,
- 2) producing or marketing substances, foodstuffs or other commonly used goods that are detrimental to health, or pharmaceutical preparations that do not conform to applicable quality standards,
- 3) damaging or blocking the operations of public service facilities, in particular facilities supplying water, light, heat, gas or energy, or facilities protecting against a public danger or serving to remove it,
- 4) hindering, preventing or otherwise affecting the automatic processing, collecting or transmitting of IT data,
- 5) otherwise acting in particularly dangerous circumstances,

shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. If the offender acts unintentionally, he or she shall be liable to imprisonment for a maximum term of 3 years.

§ 3. If the act specified in § 1 results in the death of a person, or grievous bodily harm to a number of persons, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

§ 4. If the act specified in § 2 results in the death of a person, or grievous bodily harm to a number of persons, the offender shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 165a. Terrorism financing.

§ 1. Anyone who collects, transfers or offers means of payment, financial instruments, securities, foreign exchange, property rights or other movable or immovable property with the purpose of financing a terrorist offence or the offence referred to in Article 120, Article 121, Article 136, Article 166, Article 167, Article 171, Article 252, Article 255a or Article 259a shall be liable to imprisonment for a term going between 2 and 12 years.

§ 2. The same sentence shall be imposed on anyone who makes the property specified in § 1 available to an organised group or association aimed at committing the offence referred to therein, to a person participating in such a group or association or to a person who intends to commit such an offence.

§ 3. Anyone who, while not being legally obliged to do so, covers the costs used to satisfy the needs or to perform financial obligations of the group, association or person referred to in § 2, shall be liable to imprisonment for a maximum term of 3 years.

§ 4. The same sentence shall be imposed on the perpetrator of the act specified in §§ 1 or 2 who acts unintentionally.

Art. 166. Piracy.

§ 1. Anyone who uses deceit or violence, or threatens to immediately use violence, to take control of a ship or an aircraft shall be liable to imprisonment for a term going between 2 and 12 years.

§ 2. Anyone who, acting in the manner specified in § 1, brings about an imminent danger to the life or health of numerous persons shall be liable to imprisonment for a minimum term of 3 years.

§ 3. If the act specified in § 2 results in the death of a person, or grievous bodily harm to a number of persons, the offender shall be liable to imprisonment for a minimum term of 5 years or to 25 years' imprisonment.

Art. 167. Dangerous devices or substances.

§ 1. Anyone who places on a ship or aircraft a device or substance threatening the safety of persons or a property of significant value shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. The same penalty shall be imposed on anyone who destroys, damages or renders useless navigational equipment, or prevents its operation, if this may threaten the safety of persons.

Art. 168. Preparations. Anyone who makes preparations to commit the offence specified in Article 163 § 1, Article 165 § 1, Article 166 § 1 or in Article 167 § 1 shall be liable to imprisonment for a maximum term of 3 years.

Art. 169. Voluntary aversion.

§ 1. Anyone who voluntarily averts an impending danger shall not be liable to a penalty for the offence specified in Articles 164 or 167.

§ 2. The court may apply an extraordinary mitigation of penalty if an offender of the offence specified in Article 163 §§ 1 or 2, Article 165 §§ 1 or 2 or in Article 166 § 2, voluntarily averts an impending danger to the life and health of a number of persons.

§ 3. The court may apply an extraordinary mitigation of penalty to the offender of the offence specified in Article 166 § 1 if he or she has transferred control of the vehicle to an authorised person.

Art. 170. Arming a sea vessel. Anyone who arms or adjusts a sea vessel intended for committing an act of piracy on the high seas, or undertakes service on such a vessel, shall be liable to imprisonment for a term going between one year and 10 years.

Art. 171. Dangerous material.

§ 1. Anyone who, without a required permit, or in breach of the conditions thereof, manufactures, processes, collects, possesses, uses or trades in an explosive substance or device, radioactive material, device emitting ionising radiation or any other item or substance that can cause widespread danger to human life or health, or to property to a great extent shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. Anyone who, in breach of his or her duty, allows the act specified in § 1 to be committed shall be liable to the same penalty.

§ 3. Anyone who hands over the items specified in § 1 to an unauthorised person shall be liable to the same penalty.

Art. 172. Hindering assistance. Anyone who hinders action aimed at preventing widespread danger to the life or health of a number of persons or to property to a considerable extent shall be liable to imprisonment for a term going between 3 months to 5 years.

CHAPTER XXI. OFFENCES AGAINST SAFETY IN TRAFFIC.

Art. 173. Disaster.

§ 1. Anyone who causes a disaster on land or water or to air traffic, and thereby endangers the life or health of a number of persons, or property to a great degree shall be liable to imprisonment for a term going between one year and 10 years.

§ 2. If the offender acts unintentionally he or she shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. If the act specified in § 1 results in the death of a human being or in grievous bodily harm to a number of people, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

§ 4. If the act specified in § 2 results in the death of a human or in grievous bodily harm to a number of persons, the offender shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 174. Danger of disaster.

§ 1. Anyone who causes an imminent danger of a disaster on land or water or to air traffic shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. If the offender acts unintentionally, he or she shall be liable to imprisonment for a maximum term of 3 years.

Art. 175. Preparations. Anyone who makes preparations to commit the offence specified in Article 173 § 1 shall be liable to imprisonment for a maximum term of 3 years.

Art. 176. Voluntary aversion.

§ 1. If the perpetrator of the offence specified in Article 174 voluntarily averts the impending danger, he or she shall not be liable to a penalty.

§ 2. The court may apply an extraordinary mitigation of penalty with respect to the perpetrator of the offence specified in Article 173 §§ 1 or 2 who voluntarily averts an impending danger to life or health of a number of persons.

Art. 177. Accident.

§ 1. Anyone who unintentionally causes an accident inflicting a bodily injury specified in Article 157 § 1, by violating, even unintentionally, the safety rules for land, water or air traffic shall be liable to imprisonment for a maximum term of 3 years.

§ 2. If the accident results in the death or a grievous bodily harm to another person, the offender shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 3. If only a family or household member of the offender is the aggrieved party, the offence specified in § 1 shall be prosecuted on such person's motion.

Art. 178. Stricter penalty.

§ 1. When sentencing an offender who has committed an offence specified in Article 173, Article 174 or Article 177, while intoxicated or who has fled the scene, the court shall impose a sentence of imprisonment between the level of the lower statutory limit prescribed for the offence imputed to the offender, further increased by one-half of the term, and in the case of the offence referred to in Article 177 § 2, not less than 2 years, up to the upper statutory limit increased by one-half of the term.

§ 2. (*repealed*)

Art. 178a. Drunk driving.

§ 1. Anyone who, while intoxicated, drives a motor vehicle on land, water or in the air, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. (*repealed*)

§ 3. (*repealed*)

§ 4. If the offender of the act specified in § 1 has previously been sentenced, by a final and non-appealable judgment, for driving a motor vehicle while intoxicated, or for an offence specified in Articles 173, 174, 177 or Article 355 § 2 committed while intoxicated, or committed the act specified in § 1 while disqualified from driving, imposed in connection with an offence, he or she shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 178b. Escape from a chase conducted by a person authorised to control road traffic. Anyone who fails to stop the vehicle and continues driving despite being ordered to immediately stop by a person authorised to control road traffic, whether driving a vehicle or being on a water or air vessel, using acoustic and light signals, shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 179. Dispatcher's liability. Anyone who, in violation of a special duty, allows a motor vehicle or any other vehicle to be operated in a condition that directly endangers the safety of land, water or air traffic, or allows a motor vehicle or any other vehicle to be operated on a public road by an intoxicated person or by anyone without the required licence, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 180. Alcohol intoxication. Anyone who, while being intoxicated, performs any functions directly connected with ensuring the safety of motor traffic shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 180a. Driving without a licence. Anyone who drives a motor vehicle on a public road, in a residential area or in a traffic area thereby failing to comply with a decision to withdraw a driver's licence issued by the competent authority, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

CHAPTER XXII. OFFENCES AGAINST THE ENVIRONMENT.

Art. 181. Destruction of the environment.

§ 1. Anyone who causes significant destruction to plant or animal life shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who, in violation of the provisions in force in a protected area, destroys or damages plants or animals causing serious harm shall be liable to a fine, community sentence or imprisonment for up to 2 years.

§ 3. Anyone who destroys or damages protected plants or animals, causing significant damage, regardless of where the act takes place, shall also be liable to the penalty specified in § 2.

§ 4. If the offender of the act specified in § 1 acts unintentionally, he or she shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 5. If the offender of the acts specified in §§ 2 or 3 acts unintentionally, he or she shall be liable to a fine or community sentence.

Art. 182. Pollution.

§ 1. Anyone who pollutes water, air or land surface with a substance or ionising radiation in such quantities or form that could pose a danger to human life or health, or cause a significant decrease in the quality of water, air or land surface, or cause significant destruction to plant and animal life shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. If the offender acts unintentionally, he or she shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 3. If the act specified in § 1 is committed in connection with the operation of installations operating within a plant requiring a permit for the use of the environment, the offender shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 4. If the offender of the act specified in § 3 acts unintentionally, he or she shall be liable to imprisonment for a maximum term of 3 years.

Art. 183. Waste.

§ 1. Anyone who, in violation of law, stores, disposes of, recycles, collects, neutralises or transports waste or substances under conditions or in a manner that could pose a danger to human life or health or deteriorate the quality of water, air, land surface or destruction to animal and plant life shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who, in violation of law, imports hazardous waste or substances shall be liable to the same penalty.

§ 3. Anyone who, in violation of his duty, allows the act specified in §§ 1, 2 and 4 to be committed shall be liable to the same penalty.

§ 4. Anyone who, in violation of law, imports or exports waste shall be liable to the penalty specified in § 1.

§ 5. Anyone who, without the required notification or license, or in violation of its terms, imports or exports hazardous waste shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 6. If the offender of the act specified in §§ 1-5 acts unintentionally, he or she shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 184. Radioactive material.

§ 1. Anyone who produces, processes, transports, imports, exports, collects, stores, possesses, makes use of, employs, removes, abandons or neglects without properly securing any nuclear material or other source of radiation that could pose a danger to the life or health of persons, or significantly deteriorates the quality of water, air, land surface or destruction to animal or plant life to a great extent shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who, in violation of his duty, allows the act specified in § 1 to be committed shall be liable to the same penalty.

§ 3. If the offender of the act specified in §§ 1 or 2 acts unintentionally, he or she shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 185. Consequences.

§ 1. If the act specified in Article 182 §§ 1 or 3, Article 183 §§ 1 or 3 or Article 184 §§ 1 or 2 results in significant destruction of plant or animal life or significant deterioration of the quality of water, air, land surface, the offender shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. If the act specified in Article 182 §§ 1 or 3, Article 183 §§ 1 or 3 or in Article 184 §§ 1 or 2 results in grievous bodily harm to a person, the offender shall be liable to imprisonment for a term going between one and 10 years.

§ 3. If the act specified in Article 182 §§ 1 or 3, Article 183 §§ 1 or 3 or in Article 184 §§ 1 or 2 results in the death of a human or in grievous bodily harm to numerous persons, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

Art. 186. Protecting equipment.

§ 1. Anyone who, in violation of his duty, does not properly maintain or use equipment protecting water, air or land surface from pollution, or equipment protecting against nuclear or ionic radiation shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone who commissions or, in violation of his duty, permits the use of a building structure or a group of facilities without the equipment required by law to be used as specified in § 1 shall be liable to the same penalty.

§ 3. If the offender of the act specified in §§ 1 or 2 acts unintentionally, he or she shall be liable to a fine or community sentence.

Art. 187. Protected area and objects.

§ 1. Anyone who destroys, significantly damages or significantly reduces the natural value of a legally protected area or an object, causing serious damage, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. If the offender acts unintentionally, he or she shall be liable to a fine or community sentence.

Art. 188. Harmful activity. Anyone who, in violation of law, builds a new facility or extends an existing one, or conducts business that poses a threat to the environment in an area protected for environmental or landscape reasons, or in a buffer zone, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

CHAPTER XXIII. OFFENCES AGAINST LIBERTY.

Art. 189. Unlawful deprivation of liberty.

§ 1. Anyone who deprives another person of their freedom shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. If the deprivation of freedom has lasted longer than 7 days, the offender shall be liable to imprisonment for a term going between one year and 10 years.

§ 2a. If the deprivation of liberty referred to in § 2 concerns a vulnerable person because of his/her age, mental or physical condition, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

§ 3. If the deprivation of liberty referred to in §§ 1 to 2a involves particular torment, the offender shall be liable to imprisonment for a minimum term of 3 years.

Art. 189a. Human trafficking.

§ 1. Anyone who carries out human trafficking shall be liable to imprisonment for a minimum term of 3 years.

§ 2. Anyone who makes preparations to commit the offence referred to in § 1 shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 190. Punishable threat.

§ 1. Anyone who threatens to commit an offence to the detriment of another person or his or her family or household member, where there is a justifiable fear that the threat will be carried out, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. The offence shall be prosecuted on the aggrieved party's motion.

Art. 190a. Stalking.

§ 1. Anyone who, through persistent harassment of another person or another person's family or household member, creates a justified sense of danger, humiliation or anguish or significantly violates the person's privacy, shall be liable to imprisonment going for a term between 6 months and 8 years.

§ 2. Anyone who personates another person and uses his or her image or other personal or other data on the basis of which that person is publicly identifiable, for the purpose of causing property or personal damage, shall be liable to the same penalty.

§ 3. If the act specified in §§ 1 or 2 results in an attempted suicide of the person, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

§ 4. The offence specified in §§ 1 or 2 shall be prosecuted on the aggrieved party's motion.

Art. 191. Force.

§ 1. Anyone who uses violence or an unlawful threat to force another person to perform, refrain from performing or to forbear a specific action shall be liable to imprisonment for a maximum term of 3 years.

§ 1a. The same penalty shall be imposed on anyone who, for the purpose set out in § 1, uses other types of violence in a manner persistently or substantially hindering another person from using the occupied residential unit.

§ 2. If the offender acts in the manner specified in § 1 for the purpose of recovering debt, he or she shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. The offence referred to in § 1a shall be prosecuted on the aggrieved party's motion.

Art. 191a. Recording a naked person's image without consent.

§ 1. Anyone who records the image of a naked person or a person engaged in a sexual activity, purposefully using violence, unlawful threat or deceit, or who distributes the image of a naked person or a person engaged in a sexual activity without his or her consent, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. The offence shall be prosecuted on the aggrieved party's motion.

Art. 192. Performing a medical procedure without consent.

§ 1. Anyone who performs a medical procedure without the patient's consent shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. The offence shall be prosecuted on the aggrieved party's motion.

Art. 193. Trespass. Anyone who intrudes into another person's house, unit, premises, or a fenced plot of land, or does not leave such place despite being requested to do so by an authorised person, shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

CHAPTER XXIV. OFFENCES AGAINST FREEDOM OF CONSCIENCE AND RELIGION.

Art. 194. Restriction of rights. Anyone who restricts another person from exercising their rights due to that person's affiliation to a certain faith, or due to their religious indifference, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 195. Interference with religious acts.

§ 1. Anyone who maliciously interferes with the public performance of religious acts of a church, or another religious association having a regulated legal status, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone who maliciously interferes with a funeral, mourning ceremonies or rites shall be liable to the same penalty.

Art. 196. Offending religious feelings. Anyone who offends religious feelings of others by publicly blaspheming an object of religious worship or a place dedicated to the public celebration of religious rites shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

CHAPTER XXV. OFFENCES AGAINST SEXUAL FREEDOM AND DECENCY.

Art. 197. Rape.

§ 1. Anyone who, by force, unlawful threat or deceit, causes another person to engage in a sexual intercourse shall be liable to imprisonment for a term going between 2 and 12 years.

§ 2. If the offender causes another person to submit themselves to, or to perform another sexual activity, in the manner specified in § 1, he or she shall be liable to imprisonment for between 6 months and 8 years.

§ 3. If the offender commits a rape

- 1) jointly with another person,
 - 2) against a minor under the age of 15,
 - 3) against a descendent, ascendant, adopter, adoptee, brother or sister,
- he or she shall be liable to imprisonment for a minimum term of 3 years.

§ 4. If the offender commits the rape specified in §§ 1 to 3, with particular cruelty, he or she shall be liable to imprisonment for a minimum term of 5 years.

Art. 198. Taking advantage of vulnerability or diminished capacity. Anyone who takes advantage of the vulnerability of another person, or their inability to recognise the significance of the act or ability to control their conduct, as a result of a mental disability or disorder in order to cause such person to engage in a sexual intercourse, or to submit themselves to, or to perform another sexual activity shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 199. Abuse of a relationship of dependency.

§ 1. Anyone who, by abusing a relationship of dependency or taking advantage of a critical situation, causes another person to engage in a sexual intercourse or to submit themselves to, or to perform another sexual activity, shall be liable to imprisonment for a maximum term of 3 years.

§ 2. If the act specified in § 1 has been committed to the detriment of a minor, the offender shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. The penalty specified in § 2 shall be imposed on anyone who engages in a sexual intercourse or another sexual activity with a minor or who causes a minor to submit to or to perform same, by an abuse of trust or by giving or promising him or her a financial or personal benefit in exchange.

Art. 200. Sexual intercourse with a minor.

§ 1. Anyone who engages in a sexual intercourse or another sexual activity with a minor under the age of 15, or causes the same to submit to or to perform such activity, shall be liable to imprisonment for a term going between 2 and 12 years.

§ 2. (*repealed*)

§ 3. Anyone who presents pornographic content to a minor under the age of 15 or provides him or her with objects of such nature or disseminates pornographic material in a manner allowing such a minor to become familiar with it shall be liable to imprisonment for a maximum term of 3 years.

§ 4. The penalty specified in § 3 shall be imposed on anyone who, for the purpose of obtaining his or her own sexual gratification or that of another person, presents the performance of a sexual activity to a minor under the age of 15.

§ 5. The penalty specified in § 3 shall be imposed on anyone who advertises or promotes the act of disseminating pornographic material in a manner allowing a minor under the age of 15 to become familiar with it.

Art. 200a. Prohibition on establishing a contact with a minor.

§ 1. Anyone who, for the purpose of committing the offence specified in Article 197 § 3 subparagraph 2 or Article 200, as well as for the purpose of producing or preserving pornographic materials, establishes contact with a minor under the age of 15 via an information system or telecommunications network, with the purpose of meeting him or her by misleading him or her, exploiting his or her error or incapacity to properly understand the situation, or by using unlawful threat, shall be liable to imprisonment for a maximum term of 3 years.

§ 2. Anyone who, via an information system or telecommunications network, offers a minor under the age of 15 to engage in a sexual intercourse, to submit to or to perform another sexual activity, or to participate in the creation or preservation of pornographic material and takes steps to give effect to such offer, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 200b. Prohibition on propagation of paedophilic behaviour. Anyone who publicly propagates or approves paedophilic behaviour shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 201. Incest. Anyone who engages in a sexual intercourse with an ascendant, descendant, or a person being an adoptee, adopter, brother or sister shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 202. Pornography.

§ 1. Anyone who publicly displays pornographic material in such a manner that it is imposed upon a person against their wish shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. (*repealed*)

§ 3. Anyone who, for the purpose of disseminating, produces, records, imports, stores or possesses, distributes or presents pornographic material involving a minor, or pornographic material associated with the use of violence or involving an animal, shall be liable to imprisonment for a term going between 2 and 12 years.

§ 4. Anyone who records pornographic material involving a minor shall be liable to imprisonment for a term going between one year and 10 years.

§ 4a. Anyone who stores, possesses or procures access to pornographic material involving a minor shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 4b. Anyone who produces, distributes, presents, stores or possesses pornographic material presenting a produced or processed image of a minor involved in a sexual activity shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 4c. The penalty specified in § 4b shall be imposed on anyone who, for the purpose of obtaining sexual gratification, participates in the presentation of pornographic material involving a minor.

§ 5. The court may order forfeiture of instruments or other items used or intended to be used to commit the offences described in §§ 1-4b, even if they are not the property of the offender.

Art. 203. Forcing into prostitution. Anyone who, by force, unlawful threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation, causes another person to practice prostitution shall be liable to imprisonment for a term going between one year and 10 years.

Art. 204. Inducing and facilitating prostitution.

§ 1. Anyone who, for the purpose of obtaining a financial benefit, induces another person to practice prostitution, or facilitates prostitution, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who derives material benefits from prostitution practiced by another person shall be liable to the penalty specified in § 1.

§ 3. If the person specified in §§ 1 or 2 is a minor, the offender shall be liable to imprisonment for a term going between one year and 10 years.

§ 4. (*repealed*)

Art. 205 (*repealed*)

CHAPTER XXVI. OFFENCES AGAINST FAMILY AND GUARDIANSHIP.

Art. 206. Bigamy. Anyone who contracts a marriage despite being already married shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 207. Maltreatment.

§ 1. Anyone who mentally or physically maltreats his or her family or household member or another person being in a permanent or temporary relationship of dependence to the offender, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 1a. Anyone who maltreats a person who is physically or mentally vulnerable because of his or her age, mental or physical condition, shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. If the act specified in §§ 1 or 1a is committed with the use of particular cruelty, the offender shall be liable to imprisonment for a term going between one year and 10 years.

§ 3. If the act specified in §§ 1 to 2 results in an attempted suicide by the aggrieved party, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

Art. 208. Inducing a minor to drink habitually. Anyone who causes a minor to drink habitually, by supplying him or her with alcoholic beverages, or by facilitating or inciting him or her to drink shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 209. Criminal non-support.

§ 1. Anyone who evades compliance with an obligation to provide support whose amount has been specified in a court decision, a settlement agreement concluded before a court or another authority, or in another agreement, if the total outstanding amounts due equals at least 3 periodic payments or if the payment of the outstanding amount other than a periodic payment is delayed by at least 3 months, shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 1a. If the perpetrator of the act referred to in § 1 exposes the person to a situation where he or she is unable to satisfy their essential living needs,

he or she shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. The offence specified in §§ 1 or 1a shall be prosecuted on the motion of the aggrieved party, a social welfare authority or an institution taking measures towards the child support debtor.

§ 3. When the aggrieved party has been awarded appropriate family benefits or cash benefits in the event of the ineffective enforcement of child support, the offence specified in §§ 1 or 1a shall be prosecuted *ex officio*.

§ 4. The perpetrator of the offence referred to in § 1 who pays in full the outstanding maintenance dues within 30 days after being first heard as a suspect, shall not be liable to a penalty.

§ 5. The court shall decide to grant an absolute discharge if the perpetrator of the offence referred to in § 1a pays in full the outstanding maintenance dues within 30 days after being first heard as a suspect, unless the culpability and social harmfulness of the act do not warrant the absolute discharge.

Art. 210. Abandonment.

§ 1. Anyone who, in breach of a duty to take care of a person under the age of 15, or a person who is vulnerable because of his or her mental or physical condition, abandons such person shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. If the act results in the death of the person specified in § 1, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

Art. 211. Abduction. Anyone who abducts or detains a minor under the age of 15, or a person who is vulnerable because of his or her mental or physical condition, against the will of the person appointed to take care of or supervise him or her, shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 211a. Unlawful adoption arrangement.

§ 1. Anyone who, for the purpose of gaining financial benefits, arranges the adoption of children in violation of law, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. The same penalty shall be imposed on anyone who, being the person vested with parental responsibility for a child, consents to the adoption of that child by another person:

1) for the purpose of obtaining a financial or personal benefit, while concealing that purpose before the court hearing an adoption case, and in the case of a parent consenting to the adoption of a child in the future without identifying an adoptive parent - before the court accepting a statement granting such consent,

2) without an adoption case being initiated.

§ 3. The same penalty shall be imposed on anyone who consents to the adoption of a child by themselves in the circumstances referred to in § 2.

CHAPTER XXVII. OFFENCES AGAINST HONOUR AND PERSONAL INVOLABILITY.

Art. 212. Defamation.

§ 1. Anyone who imputes to another person, a group of persons, an institution, a legal person or an unincorporated entity, such conduct or characteristics that may discredit them in the eyes of public opinion, or expose them to a loss of confidence necessary to hold a given office, to practice a given profession or to operate a given type of activity shall be liable to a fine or community sentence.

§ 2. If the offender commits the act specified in § 1 via mass media, he or she shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 3. When sentencing for the offence specified in §§1 or 2, the court may award a surcharge to the aggrieved party or the Polish Red Cross, or to another community purpose designated by the aggrieved party.

§ 4. The offence specified in §§ 1 or 2 shall be prosecuted on a private indictment.

Art. 213. No offence.

§ 1. The offence specified in Article 212 § 1 is not committed if the allegation that has not been made in public is true.

§ 2. Anyone who raises or publicises a true allegation shall be deemed not to have committed the offence specified in Article 212 §§ 1 or 2 where:

- 1) the allegation concerns the conduct of a person performing a public function, or
- 2) the allegation is intended to protect a socially justified interest.

If the allegation concerns a private or family life, evidence of truth shall only be admissible if it serves to prevent a danger to human life or health, or to prevent the demoralisation of a minor.

Art. 214. Additional information. The absence of an offence resulting from the reasons specified in Article 213 shall not exclude the offender's liability for the insult due to the manner in which the allegation was raised or made public.

Art. 215. Publishing a sentence. If the aggrieved party so requests, the court may order a sentence to be made public.

Art. 216. Insult.

§ 1. Anyone who insults another person in his or her presence, or even in his or her absence, but publicly, or with the intent that the insult reaches such person, shall be liable to a fine or a community sentence.

§ 2. Anyone who insults another person via mass media shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 3. If the insult was caused by the provocative conduct of the aggrieved party, or if the aggrieved party responded with a violation of the personal inviolability or with a reciprocal insult, the court may grant an absolute discharge.

§ 4. When sentencing for the offence specified in § 2, the court may award a surcharge to the aggrieved party, the Polish Red Cross or to another community purpose designated by the aggrieved party.

§ 5. The offence shall be prosecuted on a private indictment.

Art. 217. Battery.

§ 1. Anyone who strikes a person or otherwise commits a battery shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 2. If the act was provoked by the aggrieved party's conduct, or if the aggrieved party responded with an act of the same kind, the court may grant an absolute discharge.

§ 3. The offence shall be prosecuted on a private indictment.

Art. 217a. Battery intended to protect others. Anyone who strikes a person or otherwise commits a battery in relation to the intervention undertaken to protect the safety of others, or to maintain public safety or public order, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

CHAPTER XXVIII. OFFENCES AGAINST THE RIGHTS OF PERSONS PERFORMING PAID WORK.

Art. 218. Malicious infringement of rights.

§ 1. (*lost force*)

§ 1a. Anyone who, while performing labour law and social insurance activities, maliciously or persistently infringes the employee rights under an employment or social insurance relationship shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. The person specified in § 1a who refuses to reinstate an employee despite being ordered to do so by the appropriate authority shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 3. The person specified in § 1a who fails to comply with a court decision ordering that remuneration be paid or another allowance be given under an employment relationship shall be liable to a fine, community sentence or imprisonment for a maximum term of 3 years.

Art. 218a. Instructing to perform work in violation of a trading ban. Anyone who, maliciously or persistently:

1) in violation of the ban on trade and performance of trade-related activities on Sundays and public holidays, instructs an employee or an engaged person to perform trade-related work or trade-related activities,

2) in violation of the ban on trade and performance of trade-related activities after 2 p.m. on 24 December or on the Saturday immediately preceding the first day of Easter, instructs an employee or an engaged person to perform trade-related work or trade-related activities,

shall be liable to a fine or a community sentence.

Art. 219. Failure to report data. Anyone who violates the provisions on social insurance by failing to report the required data, even with the consent of the person concerned, or by providing false data affecting the right to benefits, or the amount thereof, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 220. Exposure to danger.

§ 1. Anyone who fails to perform his or her occupational health and safety duties and thereby exposes an employee to an imminent danger of loss of life or a grievous bodily harm shall be liable to imprisonment for a maximum term of 3 years.

§ 2. If the offender acts unintentionally, he or she shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 3. An offender who has voluntarily prevented an impending danger shall not be liable to the penalty.

Art. 221. Failing to report an accident. Anyone who, in violation of a duty, fails to promptly report to the appropriate authority an accident at work or an occupational disease, or who fails to prepare or present the required documentation, shall be liable to a fine of up to 180 times the daily rate or to a community sentence.

CHAPTER XXIX. OFFENCES AGAINST STATE AND LOCAL GOVERNMENT INSTITUTIONS.

Art. 222. Battery of a public official.

§ 1. Anyone who commits a battery on a public official, or a person assisting him or her in the performance of official duties, or in connection with such duties, shall be liable to a fine, community sentence or imprisonment for a maximum term of 3 years.

§ 2. If the act specified in § 1 is caused by the inappropriate conduct of a public official, or a person assisting him or her, the court may apply an extraordinary mitigation of penalty or even grant an absolute discharge.

Art. 223. Active assault.

§ 1. Anyone who, acting jointly and in concert with others, or using a firearm, a knife or another similarly dangerous item or incapacitating substance, commits an active assault on a public official or a person assisting him or her in the performance of official duties or in connection with such duties shall be liable to imprisonment for a term going between one and 10 years.

§ 2. If the assault results in grievous bodily harm to a public official or a person assisting him or her, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

Art. 224. Exerting influence.

§ 1. Anyone who, by force or unlawful threat, exerts influence on official acts of a government authority, another public authority or local government shall be liable to imprisonment for a maximum term of 3 years.

§ 2. Anyone who uses violence or an unlawful threat with the intent of forcing a public official, or a person assisting him or her, to undertake or to refrain from undertaking an official legal act shall be liable to the same penalty.

§ 3. If the offence specified in § 2 triggers the result specified in Article 156 § 1 or in Article 157 § 1, the offender shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 224a. Misleading a public utility institution. Anyone who, knowing that there is no danger, reports an event that threatens the life or health of a number of persons or property to a considerable extent, or creates a situation intended to induce a belief that such danger exists, and thereby inducing a public utility institution, or an authority responsible for ensuring public safety, public order or health, to take steps aimed at averting such danger, shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 224b. Surcharge or cash benefit for misleading an institution. When sentencing for the offence referred to in Article 224a, the court shall order:

- 1) a surcharge to be paid to the State Treasury in the amount of at least PLN 10,000 and
- 2) the cash benefit referred to in Article 39 subparagraph 7 in the amount of at least PLN 10,000.

Art. 225. Interference with an environmental inspection.

§ 1. Anyone who prevents or hinders the performance of an official duty of a person authorised to carry out environmental inspections, or a person assisting him or her, shall be liable to imprisonment for a maximum term of 3 years.

§ 2. Anyone who prevents or hinders the performance of an official duty of a person authorised to carry out labour inspection or a person assisting him or her, shall be liable to the same penalty.

§ 3. (*repealed*)

§ 4. Anyone who prevents or hinders the performance of an official duty of a person authorised to supervise or inspect social welfare organisational entities or facilities providing 24-hour care to the disabled, chronically ill or elderly people, shall be liable to the same penalty.

Art. 226. Insulting a public official.

§ 1. Anyone who insults a public official, or a person assisting him or her, in the performance of official duties or in connection with such duties shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 2. The provision of Article 222 § 2 shall apply accordingly.

§ 3. Anyone who publicly insults or humiliates a constitutional authority of the Republic of Poland shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 227. Impersonating a public official. Anyone who, by impersonating a public official or by exploiting another person's erroneous belief in this respect, performs an act related to a relevant official capacity shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

Art. 228. Passive bribery.

§ 1. Anyone who, in connection with performing a public function, accepts a financial or personal benefit, or a promise thereof, shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. In cases of lesser gravity, the offender shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 3. Anyone who, in connection with performing a public function, accepts a financial or personal benefit, or a promise thereof, in return for unlawful conduct shall be liable to imprisonment for a term going between one year and 10 years.

§ 4. Anyone who, in connection with his or her official capacity, makes the performance of an official duty dependent upon receiving a financial or personal benefit, or a promise thereof, or who demands such benefit, shall be liable to the same penalty as that specified in § 3.

§ 5. Anyone who, in connection with performing a public function, accepts a financial benefit of considerable value, or a promise thereof, shall be liable to imprisonment for a term going between 2 and 12 years.

§ 6. The penalties specified in §§ 1 to 5 shall also apply to anyone who, in connection with his or her public function in a foreign state or international organisation, accepts a financial or personal benefit, or a promise thereof, or who demands such benefit, or makes the performance of an official duty dependent upon receiving such benefit.

Art. 229. Active bribery.

§ 1. Anyone who gives or promises to give a financial or personal benefit to a person performing a public function shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. In a case of lesser gravity, the offender shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 3. Anyone who gives a financial or personal benefit to a person performing a public function for the purpose of inducing the same to disregard his or her official duties, or provides such benefit for disregarding such duties, shall be liable to imprisonment for a term going between one year and 10 years.

§ 4. Anyone who gives or promises to give a financial benefit of considerable value to a person performing a public function shall be liable to imprisonment for a term going between 2 and 12 years.

§ 5. The penalties specified in §§ 1 to 4 shall also apply to anyone who gives or promises to give a financial benefit to a person performing a public function in a foreign state or international organisation in connection with such duties.

§ 6. The offender of the offence specified in §§ 1 to 5 shall not be liable to a penalty if the financial or personal benefit, or a promise thereof, have been accepted by a person performing a public function, and the offender has reported this to the law enforcement authority, disclosing all the relevant circumstances of the offence before the authority concerned has learned about the same.

Art. 230. Influence peddling.

§ 1. Anyone who, claiming to have influence in any state or local government institution, international organisation or domestic or foreign organisation with public funds at its disposal, or by convincing another person or confirming a conviction concerning the existence of such influence, undertakes to intercede in settling a matter in exchange for a financial or personal benefit, or a promise thereof, shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. In a case of lesser gravity, the offender shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 230a. Influence peddling – inviolability clause.

§ 1. Anyone who gives, or promises to give, a financial or personal benefit in return for intermediation in settling a matter in a state or local government institution, international organisation or domestic or foreign organisation with public funds at its disposal, consisting in unlawfully influencing a decision, acting or failing to act by a person performing a public function in connection with this function, shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. In a case of lesser gravity, the offender shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 3. The perpetrator of the offence specified in §§ 1 or 2 shall not be liable to a penalty if the financial or personal benefit, or a promise thereof, have been accepted and the offender has informed the law enforcement authority and has disclosed the relevant circumstances of the offence before the authority becomes aware of the same.

Art. 231. Abuse of power.

§ 1. A public official who, by exceeding his or her authority, or failing to perform his or her duty, acts to the detriment of a public or individual interest, shall be liable to imprisonment for a maximum term of 3 years.

§ 2. If the offender commits the act specified in § 1 for the purpose of obtaining a financial or personal benefit, he or she shall be liable to imprisonment for a term going between one year and 10 years.

§ 3. If the offender of the act specified in § 1 acts unintentionally and causes considerable damage, he or she shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 4. The provision of § 2 shall not apply if the act meets the elements of the prohibited act specified in Article 228.

Art. 231a. Legal protection of public officials. The legal protection provided to public officials during or in connection with the performance of public duties shall extend to a public official also if an unlawful attack on him or her has been committed because of his or her profession or position.

Art. 231b. Repelling an attack against a third party's legally protected interest.

§ 1. A person who, acting in a necessary defence, repels an attack against any third party's legally protected interest, protecting public safety or public order, shall enjoy legal protection afforded to public officials.

§ 2. The provision of § 1 shall not apply if the attacker's act directed against the person repelling the attack only affects the latter's honour or dignity.

CHAPTER XXX. OFFENCES AGAINST ADMINISTRATION OF JUSTICE.

Art. 232. Force and unlawful threat.

§ 1. Anyone who, by force or unlawful threat, influences official functions of a court shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. The perpetrator of the offence specified in § 1 committed against an international criminal court, or against an authority acting under an international agreement to which the Republic of Poland is a party, or which is appointed by an international organisation constituted under an agreement ratified by the Republic of Poland shall be liable to the same penalty.

Art. 233. False testimony.

§ 1. Anyone who, while giving testimony to serve as evidence in court proceedings, or any other legal proceedings, gives false testimony or conceals the truth shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 1a. If the offender of the act referred to in § 1 gives false testimony or conceals the truth for fear of criminal prosecution being initiated against himself or herself or against his or her family or household members, he or she shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Such liability shall arise only if the person taking the testimony, acting within his or her authority, has warned the testifying person about criminal liability for giving false testimony, or has taken an oath or affirmation from the same.

§ 3. Anyone who gives false testimony, while being unaware of the right to refuse to testify or to answer questions shall not be liable to the penalty for the act specified in § 1a.

§ 4. Anyone who, acting as an expert, an appraiser or a translator, provides a false opinion, an expert opinion or a translation to be used as evidence in the proceedings specified in § 1 shall be liable to imprisonment for a term going between one and 10 years.

§ 4a. If the offender of the act referred to in § 4 acts unintentionally, thereby exposing the public interest to considerable damage, he or she shall be liable to imprisonment for a maximum term of 3 years.

§ 5. The court may apply an extraordinary mitigation of penalty or even grant an absolute discharge if:

1) the false testimony, opinion, expert opinion or translation concerns circumstances that have no impact on the outcome of the case,

2) the offender voluntarily rectifies the false testimony, opinion, expert opinion or translation before a decision, even if appealable, has been rendered in the case.

§ 6. The provisions of §§ 1 to 3 and 5 shall apply accordingly to a person providing a false statement if a statutory provision envisages the possibility of taking a statement under the sanction of criminal liability.

Art. 234. False accusation. Anyone who falsely accuses another person of having committed an offence, including a fiscal offence, a minor offence, a minor fiscal offence or a disciplinary offence before an authority responsible for prosecuting or dealing with such offences shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 235. False evidence. Anyone who, by fabricating evidence or using other deceitful measures, directs the prosecution against a specified person for an offence, including a fiscal offence, a minor offence, a minor fiscal offence or a disciplinary offence, or undertakes such measures in the course of proceedings, shall be liable to imprisonment for a maximum term of 3 years.

Art. 236. Concealing evidence of innocence.

§ 1. Anyone who conceals evidence of innocence of a person suspected of committing an offence, including a fiscal offence, a minor offence, a minor fiscal offence or a disciplinary offence shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone who conceals evidence of innocence out of fear of criminal liability threatening himself or herself or his or her family or household member shall not be liable to a penalty.

Art. 237. Mitigation or absolute discharge. The provisions of Article 233 § 5 subparagraph 2 shall apply accordingly to the offences specified in Article 234, Article 235 and in Article 236 § 1.

Art. 238. False report of an offence. Anyone who reports an offence or a fiscal offence to a law enforcement authority knowing that no offence has been committed shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 239. Accessory after the fact.

§ 1. Anyone who obstructs or prevents criminal proceedings by assisting the offender of an offence, including a fiscal offence, in evading criminal liability, and in particular anyone who hides the offender, or obliterates evidence of the offence, including the fiscal offence, or by serving the penalty instead of the sentenced person, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who hides a person who is his or her family or household member shall not be liable to a penalty.

§ 3. The court may apply an extraordinary mitigation of penalty and even grant an absolute discharge if the offender has assisted a person who his or her family or household member or has acted out of fear of criminal liability threatening himself or herself or his or her family or household member.

Art. 240. Failure to report an offence.

§ 1. Anyone who has reliable information concerning a punishable preparation or attempt, or the commission of a prohibited act specified in Articles 118, 118a, 120 to 124, 127, 128, 130, 134, 140, 148, 156, 163, 166, 189, 197 § 3 or 4; 198, 200 or 252 or a terrorist offence but fails to promptly report the same to a law enforcement authority shall be liable to imprisonment for a maximum term of 3 years.

§ 2. Anyone who acts on reasonable assumption that the authority referred to in § 1 knows about the planned, attempted or committed prohibited act refrains from reporting the same does not commit the offence specified in § 1; nor is the prohibited act specified in § 1 committed by a person who has prevented a prepared or attempted prohibited act from being committed.

§ 2a. A person aggrieved by the act referred to in § 1 who has refrained from reporting the same shall not be liable to a penalty.

§ 3. Anyone who has refrained from reporting the act out of fear of a criminal liability threatening himself or herself or his or her family or household member shall not be liable to a penalty either.

Art. 241. Disseminating information.

§ 1. Anyone who, without permission, publicly disseminates information derived from criminal investigation before the same has been disclosed in court proceedings shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone who publicly disseminates information derived from a closed court trial shall be liable to the same penalty.

Art. 242. Escaping from custody.

§ 1. Anyone who frees himself or herself while detained under a court decision or a lawful order issued by another state agency shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone, who while on an unsupervised temporary leave from a penal facility or a detention facility or a psychiatric facility with conditions of basic security, without a justifiable reason fails to return not later than within 3 days after the prescribed period shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 3. Anyone who, while on a furlough from imprisonment, without a justifiable reason fails to return not later than within 3 days after the prescribed period shall be liable to the penalty specified in § 2.

§ 4. The offender of the act specified in § 1 who acts in concert with others, uses or threatens to use force, or damages the place of detention shall be liable to imprisonment for a maximum term of 3 years.

Art. 243. Assisting an escape. Anyone who releases or otherwise facilitates the escape of a person detained under a court decision or a lawful order issued by another state agency shall be liable to imprisonment for a maximum term of 3 years.

Art. 244. Non-compliance with a court order. Anyone who fails to comply with a court-imposed prohibition from holding a given office, practicing a given profession, operating a given business activity, holding an office or performing a profession or work in state or local government bodies or institutions, as well as in commercial companies and partnerships, in which the State Treasury or a local government unit holds, directly or indirectly through other entities, at least 10% of shares or interests, performing activities requiring authorisation involving the use of or impact on animals, or operating motor vehicles, entering gambling facilities or participating in gambling, attending a mass event, associating with specific groups or appearing in specific locations or an order to temporarily leave premises jointly occupied with the aggrieved party, a prohibition from contacting certain individuals, approaching the aggrieved party or leaving a specific location without the court's consent, a prohibition from keeping all animals or a specific category of animals, or who does not comply with a court order on publishing a decision in the manner set out in the order shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 244a. Breaching a prohibition from attending mass events.

§ 1. Anyone who fails to comply with an obligation to remain in a designated place of permanent residence or to report at a police station or at a location specified by a regional, district or municipal police commander having jurisdiction over the place of residence of the sentenced or punished person, during the mass event, which obligation has been imposed in relation to a court-imposed prohibition from attending mass events, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone who prevents or hinders an inspection on whether the requirement referred to in § 1 imposed on him or her is being observed shall be liable to the same penalty.

Art. 244b. Failure to comply with the obligations relating to the security measure ordered.

§ 1. Anyone who fails to comply with the obligations specified in the law in relation to the security measure ordered against him or her, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. The same penalty shall be imposed on anyone who unlawfully prevents the enforcement of a security measure imposed on another person in the form of electronic location monitoring.

Art. 245. Witness tampering. Anyone who uses force or an unlawful threat for the purpose of influencing a witness, an expert, a translator, a prosecutor or the accused, or who commits a battery on them, shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 246. Extorting a statement. A public official, or anyone acting under his or her command who, for the purpose of obtaining specific testimony, explanations, information or a statement, uses force, unlawful threat, or exerts physical or mental cruelty in whatever form on another person, shall be liable to imprisonment for a term going between one and 10 years.

Art. 247. Maltreatment of a detainee.

§ 1. Anyone who exerts physical or mental cruelty on a legally detained person shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. If the offender acts with particular cruelty, he or she shall be liable to imprisonment for a term going between one and 10 years.

§ 3. A public official who, in violation of a duty, allows the offence specified in §§ 1 or 2 to be committed shall be liable to the penalty specified therein.

Art. 247a. Application of provisions. The provisions of Articles 233 to 237 and Articles 239, 245 and 246 shall apply accordingly to an act committed in connection with proceedings before an international criminal tribunal or an authority acting under an international agreement to which the Republic of Poland is a party, or appointed by an international organisation constituted under an agreement ratified by the Republic of Poland.

CHAPTER XXXI. OFFENCES AGAINST ELECTIONS AND REFERENDA.

Art. 248. Electoral manipulation. Anyone who, in connection with elections to the Sejm or the Senate, or elections for the President of the Republic of Poland, elections to the European Parliament, or local elections or a referendum:

- 1) prepares a list of candidates or voters which excludes eligible persons or includes ineligible persons,
- 2) uses deceit for the purpose of improperly preparing a list of candidates or voters, election reports or other electoral or referendum documents,
- 3) destroys, damages, conceals, alters or forges reports or other electoral or referendum documents,
- 4) interferes or allows interference with the collection or counting of votes,
- 5) provides another person, before voting has ended, with an unused voting card, or obtains an unused voting card from another person for the purpose of using the same for voting,
- 6) commits an abuse while preparing a list with the signatures of citizens nominating candidates for elections or initiating a referendum,

shall be liable to imprisonment for a maximum term of 3 years.

Art. 249. Interference. Anyone who, by force, unlawful threat or deceit interferes with:

- 1) an assembly before voting,
- 2) free exercise of the right to stand for or to vote in an election,
- 3) voting or counting of votes,
- 4) drawing up a report or other electoral or referendum documents,

shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 250. Voter intimidation. Anyone who, by force or unlawful threat, or by abusing a relationship of dependence, influences the vote of an eligible person, or forces such person to vote or not to vote shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 250a. Electoral bribery.

§ 1. Anyone who, being eligible to vote, accepts or demands a financial or personal benefit for voting in a specific manner shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who provides a financial or personal benefit to a person eligible to vote for the purpose of inducing him or her to vote in a specific manner, or for voting in a specific manner, shall be liable to the same penalty.

§ 3. In a case of lesser gravity, the offender of the act specified in §§ 1 or 2 shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 4. If the offender of the act specified in §§ 1 or 3 in conjunction with § 1 has informed the competent law enforcement authority about the fact and circumstances of the offence before this authority learned about them, the court shall apply an extraordinary mitigation of punishment and may even grant an absolute discharge.

Art. 251. Breaching the secrecy of voting. Anyone who, in violation of the rules on the secrecy of voting, becomes aware of another person's manner of voting, against the voter's will, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

CHAPTER XXXII. OFFENCES AGAINST PUBLIC ORDER.

Art. 252. Taking a hostage.

§ 1. Anyone who takes or detains a hostage with the purpose of compelling a state or local government authority, an institution or organisation, a natural person or a legal person, or a group of individuals to act in a specific manner, shall be liable to imprisonment for a minimum term of 3 years.

§ 2. If the offence specified in § 1 is combined with particular torment to the hostage, the offender shall be liable to imprisonment for a minimum term of 5 years or for 25 years' imprisonment.

§ 3. Anyone who makes preparations to commit the offence specified in § 1 shall be liable to imprisonment for a maximum term of 3 years.

§ 4. Anyone who has abandoned the intention of extortion or who releases the hostage shall not be liable to the penalty for the offence specified in § 1.

§ 5. The court may apply an extraordinary mitigation of penalty against the offender of the act specified in § 2 who has abandoned the intention of extortion and released the hostage and applies an extraordinary mitigation of penalty if abandoning the intention to extort and the release of the hostage has been voluntary.

Art. 253 (repealed)

Art. 254. Public riot.

§ 1. Anyone who actively takes part in a riot knowing that its participants are jointly committing a violent assault on a person or property shall be liable to imprisonment for a maximum term of 3 years.

§ 2. If a violent assault results in the death of a person or grievous bodily harm, the participant in the riot specified in § 1 shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 254a. Disruption of a network; damage. Anyone who takes away, destroys, damages or renders unfit for use an element of a water supply, sewage, heating, electricity, gas or telecommunications network, or a railway, tramway, trolley bus or metro line, thereby causing a disturbance in the operation of all or part of such network or line, shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 255. Incitement and praise of an offence.

§ 1. Anyone who publicly incites others to commit a minor offence or a fiscal offence shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone who publicly incites others to commit an indictable offence is liable to imprisonment for up to 3 years.

§ 3. Anyone who publicly praises an offence shall be liable to a fine of up to 180 times the daily rate, community sentence or imprisonment for a maximum term of one year.

Art. 255a. Dissemination of content likely to facilitate an offence.

§ 1. Anyone who disseminates or publicly presents content that can facilitate the commission of a terrorist offence with the intention that such an offence be committed shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. The same penalty shall be imposed on anyone who, for the purpose of committing a terrorist offence, takes part in a training course likely to enable such an offence to be committed.

Art. 256. Propagation of fascism or totalitarianism.

§ 1. Anyone who publicly propagates a fascist or other totalitarian system or incites to hatred based on national, ethnic, racial or religious differences or for lack of religious affiliation shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone who, for the purpose of disseminating, produces, records, or imports, acquires, stores, possesses, presents, carries or sends any printed matter, recording or any other item containing the content specified in § 1, or bearing fascist, communist or other totalitarian symbolism shall be liable to the same penalty.

§ 3. The offender does not commit the offence specified in § 2 if he or she has committed the act for artistic, educational, collector's or scientific purposes.

§ 4. When sentencing for the offence specified in § 2, the court shall order the forfeiture of the items referred to in § 2 even if they are not the property of the offender.

Art. 257. Insulting a group or individuals. Anyone who publicly insults a group of individuals or a specific individual because of national, ethnic, racial or religious affiliation, or because of lack of religious affiliation, or for these reasons violates the personal inviolability of another individual shall be liable to imprisonment for a maximum term of 3 years.

Art. 258. Organised criminal group and association.

§ 1. Anyone who participates in an organised group or association whose purpose is to commit criminal offence or fiscal offence shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. If the group or association specified in § 1 uses weapons or intend to commit a terrorist offence, the offender shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 3. Anyone who sets up or leads the group or association specified in § 1, including one that uses weapons, shall be liable to imprisonment for a term going between one and 10 years.

§ 4. Anyone who sets up or leads a group or association intending to commit a terrorist offence shall be liable to imprisonment for a minimum term of 3 years.

Art. 259. Voluntary abandonment. Anyone who voluntarily abandons the group or association and informs the competent law enforcement authority about all the relevant circumstances of the offence committed, or prevents a planned offence, including a fiscal offence, shall not be liable to the penalty for the offence specified in Article 258.

Art. 259a. Crossing the border of the Republic of Poland for the purpose of committing a terrorist offence. Anyone who crosses the border of the Republic of Poland for the purpose of committing on the territory of another State a terrorist offence or the offence referred to in Article 255a or Article 258 §§ 2 or 4, shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 259b. Extraordinary mitigation, absolute discharge. At the request of the public prosecutor, the court shall apply extraordinary mitigation of penalty or may even pass a suspended sentence in relation to the perpetrator of the offence referred to in Article 259a, who has voluntarily withdrawn from:

1) committing a terrorist offence or the offence referred to in Article 255a or Article 258 §§ 2 or 4 and has disclosed to the competent law enforcement authority all relevant circumstances of the act, or has prevented the commission of the planned offence;

2) assisting other persons in the commission of the offence referred to in Article 259a and has disclosed to the competent law enforcement authority all relevant circumstances of the act, in particular information about persons who committed the offences referred to in Article 259a.

Art. 260. Preventing a legal gathering. Anyone who, by force or unlawful threat, prevents a lawful meeting, gathering or march from being conducted, or who disperses such a meeting, gathering or march, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 261. Profaning a monument. Anyone who profanes a monument or other public place commemorating a historic event or honouring a person shall be liable to a fine or community sentence.

Art. 262. Profaning a corpse, ashes or a burial site.

§ 1. Anyone who profanes a corpse, human ashes or a burial site of a dead person shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone who robs a corpse, grave or another burial site of a dead person shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 263. Firearms and ammunition.

§ 1. Anyone who manufactures or trades in firearms or ammunition without the required licence shall be liable to imprisonment for a term going between one and 10 years.

§ 2. Anyone who possesses a firearm or ammunition without the required licence shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 3. Anyone holding a licence for possession of a firearm or ammunition, makes it available or hands it over to an unauthorised person shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 4. Anyone who unintentionally causes the loss of a firearm or ammunition that has been lawfully placed at his or her disposal shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

Art. 264. Illegal crossing.

§ 1. (*repealed*)

§ 2. Anyone who illegally crosses the border of the Republic of Poland by using force, threat or deceit, or acting in concert with others, shall be liable to imprisonment for a maximum term of 3 years.

§ 3. Anyone who arranges for others to illegally cross the border of the Republic of Poland shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 264a. Enabling illegal stay.

§ 1. Anyone who, for the purpose of obtaining a financial or personal benefit, enables or facilitates another person's stay in the Republic of Poland in violation of law, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. In exceptional cases where the offender has not obtained a financial benefit, the court may apply an extraordinary mitigation of penalty and even grant an absolute discharge.

CHAPTER XXXIII. OFFENCES AGAINST THE PROTECTION OF INFORMATION.

Art. 265. State secret.

§ 1. Anyone who discloses or, in violation of law, uses classified information marked as "secret" or "top secret" shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. If the information specified in § 1 has been disclosed to a person acting in the name of or for the benefit of a foreign entity, the offender shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 3. Anyone who unintentionally discloses the information specified in § 1 which he or she has learned in relation to the performance of his or her official function or authorisation delegated to him or her shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

Art. 266. Official secret.

§ 1. Anyone who, in violation of law or an accepted obligation, discloses or uses information he or she has learned in relation to the function or work performed, or a public, social, economic or scientific activity pursued shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. A public official who discloses to an unauthorised person any classified information designated as "restricted" or "confidential" or information he or she has learned in relation to the performance of official duties and whose disclosure can jeopardize a legally protected interest shall be liable to imprisonment for a maximum term of 3 years.

§ 3. The offence specified in § 1 shall be prosecuted on the aggrieved party's motion.

Art. 267. Illegal access to information.

§ 1. Anyone who, without being authorised to do so, acquires information not intended for him or her, by opening a sealed letter, or connecting to a telecommunications network or by breaching or bypassing electronic, magnetic, informatic or other special protection for such information shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone who gains access to an entire computer system or any part thereof without authorisation shall be liable to the same penalty.

§ 3. Anyone who installs or uses any wire-tapping, visual or other special equipment for the purpose of obtaining unauthorised access to information shall be liable to the same penalty.

§ 4. Anyone who divulges to another person the information obtained in the manner specified in §§ 1 to 3 shall be liable to the same penalty.

§ 5. The offence specified in §§ 1 to 4 shall be prosecuted on the aggrieved party's motion.

Art. 268. Destruction of information.

§ 1. Anyone who, without being authorised to do so, destroys, damages, deletes or alters a record of relevant information, or otherwise prevents or significantly hinders an authorised person from accessing such information, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. If the act specified in § 1 concerns a record on a computer data carrier, the offender shall be liable to imprisonment for a maximum term of 3 years.

§ 3. Anyone who, by committing the act specified in §§ 1 or 2 causes a considerable damage to property shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 4. The offence specified in §§ 1 to 3 shall be prosecuted on the aggrieved party's motion.

Art. 268a. Damage to databases.

§ 1. Anyone who, without being authorised to do so, destroys, damages, deletes, alters or hinders access to computer data, or who hinders or prevents the automatic collection and transmission of such data shall be liable to imprisonment for a maximum term of 3 years.

§ 2. Anyone who, by committing the offence specified in § 1 causes a considerable damage to property shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. The offence specified in §§ 1 or 2 shall be prosecuted on the aggrieved party's motion.

Art. 269. Computer sabotage.

§ 1. Anyone who destroys, damages, deletes or modifies computer data of particular relevance for national defence, transport safety, the operation of government or any other state authority or local government, or interferes with or prevents the automatic collection and transmission of such data shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. Anyone who commits the act specified in § 1 by destroying or exchanging a data carrier, or by destroying or damaging a device used for the automatic processing, collection or transmission of information shall be liable to the same penalty.

Art. 269a. Disruption of operation of a network. Anyone who, without being authorised to do so, by transmitting, damaging, deleting, destroying, hindering access to or modifying computer data, significantly disrupts a computer system, ICT system or telecommunications network shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 269b. Illegal use of software and data.

§ 1. Anyone who creates, obtains, disposes of or allows access to hardware or software adapted to commit the offences specified in Article 165 § 1 subparagraph 4, Article 267 § 3, Article 268a §§ 1 or 2 in conjunction with § 1, Article 269 § 1 or 2 or Article 269a, as well as computer passwords, access codes or other data enabling unauthorised access to the information collected in the computer system, ICT system or telecommunications network shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 1a. Anyone who acts with the sole purpose of securing a computer system, ICT system or telecommunications network prior to the commission of the offence referred to therein or of developing a method of such security does not commit the offence referred to in § 1.

§ 2. When sentencing for the offence specified in § 1, the court shall order forfeiture of the items referred to therein and may order their forfeiture even if they are not the property of the offender.

Art. 269c. No imposition of penalty. No penalty shall be imposed for the offence referred to in Article 267 § 2 or Article 269a on a person who acts with the sole purpose of securing a computer system, ICT system or telecommunications network or of developing a method of such security, and who has immediately notified the operator of such system or network of the risks revealed, and whose conduct has neither infringed public or private interests nor caused any damage.

CHAPTER XXXIV. OFFENCES AGAINST THE CREDIBILITY OF DOCUMENTS.

Art. 270. Forgery.

§ 1. Anyone who forges, counterfeits or alters a document with the purpose of using it as an authentic one, or uses such a document as an authentic one, shall be liable to a fine, community sentence or imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who fills in a form bearing someone else's signature in a manner inconsistent with the signatory's will and to the signatory's detriment, or who uses such document, shall be liable to the same penalty.

§ 2a. In a case of lesser gravity, the offender shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 3. Anyone who makes preparations to commit the offence specified in § 1 shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 270a. Forging or altering an invoice.

§ 1. Anyone who forges, counterfeits or alters, with the purpose of using as an authentic one, or uses as an authentic one, an invoice with regard to the facts that may be relevant for determining the amount of a public levy or its reimbursement or the reimbursement of another liability similar to tax, shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. If the offender commits the act specified in § 1 involving an invoice or invoices containing a total amount of receivables whose value or total value is greater than 5 times the amount specifying the property of great value, or has made the commission of the offence a permanent source of income, he or she shall be liable to imprisonment for a maximum term of 3 years.

§ 3. In a case of lesser gravity, the offender of the act specified in §§ 1 or 2 shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 271. Attesting to an untruth.

§ 1. A public official or another person authorised to issue a document, who certifies an untruth therein, with regard to legally relevant circumstances, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. In a case of lesser gravity, the offender shall be liable to a fine or community sentence.

§ 3. An offender who commits the act specified in § 1 for the purpose of obtaining a material or personal benefit shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 271a. Attesting to an untruth in an invoice.

§ 1. Anyone who issues an invoice or invoices containing the amount of a total receivable whose value or total value is significant, while attesting to an untruth with regard to the facts that may be relevant for determining the amount of a public levy or its reimbursement or the reimbursement of another liability similar to tax, shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. If the offender commits the act specified in § 1 involving an invoice or invoices containing a total amount of receivables whose value or total value is greater than five times the amount specifying the property of great value, or has made the commission of the offence a permanent source of income, he or she shall be liable to imprisonment for a minimum term of 3 years.

§ 3. In a case of lesser gravity, the offender of the act specified in §§ 1 or 2 shall be liable to imprisonment for a maximum term of 3 years.

Art. 272. Deceitfully obtaining an attestation of untruth. Anyone who obtains an attestation of untruth by deceitfully misleading a public official or another person authorised to issue such document shall be liable to imprisonment for a maximum term of 3 years.

Art. 273. Using a document attesting an untruth. Anyone who uses the document specified in Articles 271 or 272 shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 274. Disposing of identity documents. Anyone who disposes of his or her own or someone else's identity document shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 275. Use, theft, appropriation.

§ 1. Anyone who uses a document confirming the identity or property rights of another person, or who steals or appropriates such document shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone who illegally transports or carries across the border, or sends abroad a document certifying the identity or property rights of another person shall be liable to the same penalty.

Art. 276. Destruction and concealment. Anyone who destroys, damages or renders unfit for use, conceals or removes a document to which he or she has no exclusive right to deal with shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 277. Destruction of boundary marks. Anyone who destroys, damages, removes, displaces or renders invisible boundary marks or sets false boundary marks shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 277a. Qualification; case of greater gravity.

§ 1. Anyone who commits the offence specified in Article 270a § 1 or Article 271a § 1 involving an invoice or invoices containing a total amount of receivables whose value or total value is greater than ten times the amount specifying the property of great value shall be liable to imprisonment for a minimum term of 5 years or to 25 years' imprisonment.

§ 2. In a case of lesser gravity, the offender of the act specified in §1 shall be liable to imprisonment for a maximum term of 5 years.

Art. 277b. Fine. When sentencing for the offence referred to in Article 270a §§ 1 or 2, Article 271a § 1 or 2 or Article 277a § 1, a maximum fine of 3,000 daily rates may be imposed in addition to imprisonment.

Art. 277c. Voluntary disclosure; return of an unlawfully obtained benefit.

§ 1. At the request of the public prosecutor, the court shall apply an extraordinary mitigation of penalty with regard to the perpetrator of the offence referred to in Article 270a §§ 1 or 2, Article 271a § 1 or 2 who has notified the competent law enforcement authority and has disclosed all relevant circumstances of the offence, as well as has identified the acts related to the offence committed by him or her and the offenders before the authority became aware of the same.

§ 2. At the request of the public prosecutor, the court may grant an absolute discharge to the perpetrator of the offence referred to in 270a §§ 1, 2 or 3, Article 271a § 1, 2 or 3 or Article 277a § 2 who, in addition to meeting the conditions set out in § 1, has returned the financial benefit derived from the commission of that offence in whole or in a significant part.

§ 3. The court may apply an extraordinary mitigation of penalty to the perpetrator of the offence referred to in Article 277a § 1 who, in addition to meeting the conditions set out in § 1, has returned the financial benefit derived from the commission of that offence in whole or in a significant part.

Art. 277d. Application of extraordinary mitigation of penalty. The provisions of Article 277c §§ 1 and 3 shall apply accordingly to an offender who, following the initiation of proceedings, discloses to the competent law enforcement authority all the relevant circumstances of the offence which are known to him or her but which has theretofore been unknown to that authority, as well as identifies the acts related to the offence committed by him or her and the offenders.

CHAPTER XXXV. PROPERTY OFFENCES.

Art. 278. Theft.

§ 1. Anyone who takes away someone else's movable property with the purpose of appropriating the same shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who, without the permission of an authorized person, acquires someone else's computer software with the purpose of gaining a material benefit shall be liable to the same penalty.

§ 3. In a case of lesser gravity, the offender shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 4. If the theft has been committed to the detriment of a family or household member, it shall be prosecuted on the aggrieved party's motion.

§ 5. The provisions of §§ 1, 3 and 4 shall apply accordingly to the theft of electricity or a card enabling the withdrawal of money from an automated teller machine.

Art. 278a. Particularly aggravated theft.

§ 1. Anyone who commits a particularly aggravated theft shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. If a particularly aggravated theft has been committed to the detriment of the offender's family or household member, it shall be prosecuted on the aggrieved party's motion.

Art. 279. Theft with burglary.

§ 1. Anyone who commits a theft with burglary shall be liable to imprisonment for a term going between one and 10 years.

§ 2. If a theft with burglary has been committed to the detriment of the offender's family or household member, it shall be prosecuted on the aggrieved party's motion.

Art. 280. Armed robbery.

§ 1. Anyone who commits theft by using or threatening the immediate use of force towards a person, or by causing a person to become unconscious or defenceless shall be liable to imprisonment for a term going between 2 and 12 years.

§ 2. If the offender commits a robbery using a firearm, knife, or any other similarly dangerous item or an incapacitating agent, or acts in another manner immediately threatening another person's life, or acts in concert with another person using such a firearm, item, means or manner shall be liable to imprisonment for a minimum term of 3 years.

Art. 281. Aggravated theft. Anyone who, for the purpose of retaining possession of stolen items immediately after committing a theft, uses or threatens the immediate use of force towards a person, or causes a person to become unconscious or defenceless shall be liable to imprisonment for a term going between one and 10 years.

Art. 282. Theft by extortion. Anyone who, for the purpose of obtaining a financial benefit, causes another person, by force or a threat to the life or health of a person, or a threat of a violent attack against property, to dispose of his or her property or a third party's property, or causes a person to discontinue their business activity shall be liable to imprisonment for a term going between one year and 10 years.

Art. 283. Case of lesser gravity. In a case of lesser gravity, an offender of the act specified in Article 279 § 1, Article 280 § 1 or in Articles 281 or 282 shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 284. Appropriation.

§ 1. Anyone who appropriates someone else's movable property or property rights shall be liable to imprisonment for a maximum term of 3 years.

§ 2. Anyone who appropriates movable property that has been entrusted to him or her shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. In a case of lesser gravity or the appropriation of a lost thing, the offender shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 4. If the appropriation has been committed to the detriment of the offender's family or household member, it shall be prosecuted on the aggrieved party's motion.

Art. 285. Theft of call units.

§ 1. Anyone who, by connecting to a telecommunications device, causes call units to be charged to a third party's account shall be liable to imprisonment for a maximum term of 3 years.

§ 2. If the act specified in § 1 has been committed to the detriment of the offender's family or household member, it shall be prosecuted on the aggrieved party's motion.

Art. 286. Fraud.

§ 1. Anyone who, for the purpose of obtaining a financial benefit, causes another person to disadvantageously dispose of his or her property, or the property of a third party, by misleading the person, or by taking advantage of a mistake or an inability to properly understand the action undertaken, shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. Anyone who demands a financial benefit in return for an unlawfully acquired item shall be liable to the same penalty.

§ 3. In a case of lesser gravity, the offender shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 4. If the offence specified in §§ 1 to 3 has been committed to the detriment of the offender's family or household member, it shall be prosecuted on the aggrieved party's motion.

Art. 287. Computer fraud.

§ 1. Anyone who, for the purpose of obtaining a financial benefit or inflicting damage to another person, affects the automatic processing, collection or transmission of data, or modifies, deletes or introduces a new computer data record, without being authorised to do so, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. In a case of lesser gravity, the offender shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 3. If fraud has been committed to the detriment of the offender's family or household member, it shall be prosecuted on the aggrieved party's motion.

Art. 288. Destruction of or damage to property.

§ 1. Anyone who destroys, damages or renders unfit for use someone else's item shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. In a case of lesser gravity, the offender shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 3. Anyone who cuts or damages a submarine cable, or violates the provisions regulating the laying or repair of such cable shall be liable to the sentence penalty specified in § 1.

§ 4. The offence specified in §§ 1 or 2 shall be prosecuted on the aggrieved party's motion.

Art. 289. Joyriding.

§ 1. Anyone who takes away another person's motor vehicle for the purpose of using the same for a short period of time shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. If the offender of the act specified in § 1 disables a security device protecting the vehicle from use by an unauthorised person, or if the vehicle is of considerable value, or if the offender subsequently abandons the vehicle in a damaged condition or in such circumstances that there is a danger that the vehicle or its parts or contents will be lost or damaged, he or she shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 3. If the act specified in § 1 has involved the use of force or the threat of immediate use of force, or by causing a person to become unconscious or defenceless, the offender shall be liable to imprisonment for a term going between one and 10 years.

§ 4. In the cases specified in §§ 1 to 3 the court may also decide to impose a fine in addition to imprisonment.

§ 5. If the act specified in §§ 1 to 3 has been committed to the detriment of the offender's family or household member, it shall be prosecuted on the aggrieved party's motion.

Art. 290. Timber theft.

§ 1. Anyone who cuts down trees in a forest for the purpose of appropriating the same shall be liable as if for theft.

§ 2. When sentencing for cutting down trees, or for the theft of cutdown or fallen trees, the court shall award the aggrieved party a surcharge amounting to twice the value of the trees.

Art. 291. Handling stolen items.

§ 1. Anyone who acquires or assists in disposing of an item by a prohibited act, receives or assists in concealing such item shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. In case of a lesser gravity, the offender shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

Art. 292. Unintentional handling of stolen items.

§ 1. Anyone who acquires or assists in disposing of an item that he or she has or could reasonably have suspected, given the attendant circumstances, that has been obtained through a prohibited act, or who receives or assists in concealing such item shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. If the item referred to in § 1 is of considerable value, the offender shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 293. Handling stolen software.

§ 1. The provisions of Articles 291 and 292 shall apply accordingly to computer software.

§ 2. The court may order forfeiture of the items specified in § 1 and in Articles 291 and 292 even if they are not the property of the offender.

Art. 294. Aggravated forms.

§ 1. Anyone who commits the offence referred to in Article 278 §§ 1, 2 or 5, Article 278a § 1, Article 284 §§ 1 or 2, Article 285 § 1, Article 286 §§ 1 or 2, Article 287 § 1, Article 288 §§ 1 or 3, Article 290 § 1 or Article 291 § 1, in relation to property of considerable value shall be liable to imprisonment for a term going between one year and 10 years.

§ 2. The same penalty shall be imposed on an offender who commits the offence specified in § 1 with regard to an item of considerable cultural value.

Art. 295. Voluntary redress of damage.

§ 1. The court may apply an extraordinary mitigation of penalty and even grant an absolute discharge with respect to the perpetrator of the offences specified in Articles 278, 284 to 289, 291, 292 or 294, who has voluntarily redressed any damage caused in full or has returned a vehicle or an item of considerable cultural value in an undamaged condition.

§ 2. The court may apply an extraordinary mitigation of penalty against the perpetrator of the offence specified in § 1 who has voluntarily redressed a significant part of the damage caused.

CHAPTER XXXVI. OFFENCES AGAINST BUSINESS TRANSACTIONS AND PROPERTY INTERESTS IN CIVIL-LAW TRANSACTIONS.

Art. 296. Abuse of trust.

§ 1. Anyone who is obliged, under a statutory provision, a decision of a competent authority or a contract to manage the financial matters or business activity of a natural person, a legal person or an unincorporated entity, causes considerable damage by abusing the authority vested in him or her or by failing to perform his or her duties, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 1a. If the offender referred to in § 1 creates an imminent danger of causing considerable damage to property by abusing the authority vested in him or her or by failing to perform his or her duties, he or she shall be liable to imprisonment for a maximum term of 3 years.

§ 2. If the perpetrator of the offence specified in §§ 1 or 1a acts with the intention of obtaining a financial benefit, he or she shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 3. If the perpetrator of the offence specified in §§ 1 or 2 causes material damage of great extent, he or she shall be liable to imprisonment for a term going between one year and 10 years.

§ 4. If the perpetrator of the offence specified in §§ 1 or 3 acts unintentionally, he or she shall be liable to imprisonment for a maximum term of 3 years.

§ 4a. If the aggrieved party is not the State Treasury, the act specified in § 1a shall be prosecuted on the aggrieved party's motion.

§ 5. No one who has voluntarily redressed any damage caused before criminal proceedings are initiated shall be liable to a penalty.

Art. 296a. Managerial corruption.

§ 1. Anyone who, while in a managerial position in an organisational unit performing a business activity, or in an employment relationship, a service contract or a contract for a specific task, demands or accepts a financial or personal benefit or the promise thereof, in return for abusing the authority granted to him or her, or for failing to perform an obligation, could inflict material damage on the unit, or constitute an act of unfair competition or an unacceptable act of preference for the buyer or recipient of goods, services or benefits, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who, in the case specified in § 1, provides or promises to provide a financial or personal benefit shall be liable to the same penalty.

§ 3. In a case of lesser gravity, the offender specified in §§ 1 or 2 shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 4. If the perpetrator of the offence specified in § 1 causes considerable material damage, he or she shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 5. If the perpetrator of the offence specified in § 2, or in § 3 in conjunction with § 2, accepts a financial or personal benefit or the promise thereof, and the offender has reported this fact to the law enforcement authority, and has disclosed all the relevant circumstances of the offence before the authority learned about it, shall not be liable to a penalty.

Art. 296b (repealed)

Art. 297. Financial fraud.

§ 1. Anyone who, for the purpose of procuring a bank loan, a loan, a guarantee, a letter of credit, a subsidy, subvention, confirmation from a bank of a liability under a guarantee or a similar monetary allowance for a specified economic purpose, payment instrument or public procurement order for himself/herself or for another person, from a bank or an organisational unit conducting similar business activities on the basis of an act of law or from a body or institution disposing of public funds, submits a forged or altered document or a document stating an untruth, an unreliable document, or an unreliable written statement regarding the circumstances that are significant for obtaining the financial support mentioned above or a payment instrument or order shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who, in violation of an incumbent obligation, fails to notify the competent authority or institution about the circumstances that could have an effect on withholding or limiting the amount of financial support granted, as specified in § 1 or public procurement order, or the possibility of further use of a payment instrument shall be liable to the same penalty.

§ 3. No one who has voluntarily prevented the use of the financial support or payment instrument as specified in § 1, renounced a subsidy or public procurement order, or satisfied the claims of the aggrieved party before criminal proceedings are instituted shall be liable to a penalty.

Art. 298. Insurance fraud.

§ 1. Anyone who, for the purpose of being indemnified under an insurance contract, causes an incident that provides grounds for an indemnity payment shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. No one who has voluntarily prevented the payment of indemnity before criminal proceedings are initiated shall be liable to a penalty.

Art. 299. Money laundering.

§ 1. Anyone who receives, possesses, uses, hands over or transports abroad, conceals, transfers or converts, or assists in transferring the ownership or possession of, legal tenders, financial instruments, securities, foreign exchange values, property rights or other movable or immovable property that have been obtained from the proceeds of a committed prohibited act, or undertakes any other action that may prevent or significantly hinder the determination of their criminal origin or place of location, their detection or forfeiture, shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 2. Anyone who, as an employee of, or acting in the name and for the benefit of, a bank, financial or credit institution, or any other entity legally obliged to register transactions and those making transactions, unlawfully receives legal tenders, financial instruments, securities, foreign exchange values, or who transfers or converts them, or receives them under other circumstances giving rise to a reasonable suspicion as to its origin from the offences specified in § 1, or who provides other services aimed at concealing its criminal origin or in securing it against forfeiture, shall be liable to the penalty specified in § 1.

§ 3. (repealed)

§ 4. (repealed)

§ 5. If the offender commits the act specified in §§ 1 or 2 jointly and in concert with others, he or she shall be liable to imprisonment for a term going between one and 10 years.

§ 6. If, by committing the act specified in §§ 1 or 2, the offender obtains a substantial financial benefit, he or she shall be liable to the penalty specified in § 5.

§ 6a. Anyone who makes preparations to commit the offence specified in §§ 1 or 2, shall be liable to imprisonment for a maximum term of 3 years.

§ 7. When sentencing for the offence specified in §§ 1 or 2, the court shall order forfeiture of items derived either directly or indirectly from the offence, as well as the proceeds of the offence, or an equivalent value, even if they are not the property of the offender. No forfeiture shall be ordered in full or in part if the item, proceeds, or their equivalent, are returned to the aggrieved party or another entity.

§ 8. No one who, by voluntarily reporting information to the law enforcement authority about those involved in committing the offence or about the circumstances of the offence, has prevented another offence from being committed, shall be liable to the

penalty for the offence specified in §§ 1 or 2; if the offender has taken efforts to report such information and circumstances, the court may apply an extraordinary mitigation of penalty.

Art. 300. Frustration of creditors.

§ 1. Anyone who, facing the threat of insolvency or bankruptcy, frustrates or limits the satisfaction of a creditor by removing, concealing, disposing of, donating, destroying or by actually or apparently encumbering or make unfit for use his or her assets shall be liable to imprisonment for a maximum term of 3 years.

§ 2. Anyone who, for the purpose of preventing the enforcement of a judicial decision or a decision of another public authority, frustrates or fails to fully satisfy his or her creditor by removing, concealing, disposing of, donating, destroying or by actually or apparently encumbering his or her assets which have been or may be seized shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. If the act specified in § 1 has caused damage to many creditors, the offender shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 4. If the aggrieved party is not the State Treasury, the offence specified in § 1 shall be prosecuted on the aggrieved party's motion.

Art. 301. Bankruptcy fraud.

§ 1. Anyone who, as a debtor to several creditors, frustrates or limits their satisfaction by legally establishing a new business entity and transferring his assets onto it shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. Anyone who, while being a debtor to several creditors, causes his bankruptcy or insolvency shall be liable to the same penalty.

§ 3. Anyone who, while being a debtor to several creditors, recklessly causes his bankruptcy or insolvency, particularly by depleting assets, incurring liabilities or entering into transactions that are manifestly contrary to principles of good management shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 302. Corruption of creditors.

§ 1. Anyone who, while under a threat of insolvency or bankruptcy and unable to satisfy all his or her creditors, repays or satisfies only some of them, thereby acting to the detriment of others shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone who gives or promises to give a financial benefit to a creditor in return for actions detrimental to other creditors in connection with bankruptcy proceedings or proceedings to prevent bankruptcy shall be liable to imprisonment for a maximum term of 3 years.

§ 3. A creditor who, in connection with the proceedings specified in § 2, receives or demands a financial benefit in return for actions detrimental to other creditors shall be liable to the same penalty.

Art. 303. Unreliable documentation.

§ 1. Anyone who causes property damage to a natural person, a legal person or an unincorporated entity by failing to document a business activity, or by documenting it in an unreliable or false manner, in particular by destroying, removing, concealing, altering or forging documents regarding such activities shall be liable to imprisonment for a maximum term of 3 years.

§ 2. If the perpetrator of the offence specified in § 1 causes considerable property damage, he or she shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. In a case of lesser gravity, the perpetrator of the offence specified in § 1 shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

§ 4. If the aggrieved party is not the State Treasury, the offence specified in §§ 1 to 3 shall be prosecuted on the aggrieved party's motion.

Art. 304. Exploitation.

§ 1. Anyone who takes advantage of a coercive situation of another natural person, a legal person or an unincorporated entity by executing with them a contract requiring them to provide consideration incommensurate with the benefits provided shall be liable to imprisonment for a maximum term of 3 years.

§ 2. Anyone who, in return for a cash benefit provided to a natural person under a loan, bank loan or another agreement the object of which is to provide such benefit with an obligation to return the same, not directly related to that person's business or professional activity, demand from such person the payment of costs other than interest in an amount at least twice as high as the maximum amount of such costs prescribed by law shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. The same penalty shall be imposed on anyone who, in connection with granting to a natural person a cash benefit under a loan, bank loan or another agreement the object of which is to provide a cash benefit with an obligation to return the same, not directly related to that person's business or professional activity, demands from that person the payment of interest in the amount at least twice as high as the maximum interest rate or the maximum interest rate for delay, as prescribed by law.

Art. 305. Hindering a public tender.

§ 1. Anyone who, for the purpose of obtaining a financial benefit, prevents or hinders a public tender, or acts in concert with another entity to the detriment of the owner of property or an entity or institution for which the tender is to be held shall be liable to imprisonment for a maximum term of 3 years.

§ 2. Anyone who, in relation to a public tender, disseminates information or withholds circumstances relevant to the conclusion of the agreement that is the subject of the tender, or acts in concert with another entity to the detriment of the owner of property or an entity or institution for which the tender is to be held, shall be liable to the same penalty.

§ 3. If the aggrieved party is not the State Treasury, the offence specified in §§ 1 or 2 shall be prosecuted on the aggrieved party's motion.

Art. 306. Forging identification marks. Anyone who removes, forges or alters identification marks, date of manufacture or date to which a product or equipment is fit to use shall be liable to imprisonment for a maximum term of 3 years.

Art. 306a. Odometer fraud.

§ 1. Anyone who rolls back the motor vehicle's odometer reading or interferes with the correctness of its measurement, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. The same penalty shall be imposed on anyone who instructs another person to commit the act referred to in § 1.

§ 3. In a case of lesser gravity, the perpetrator of the act referred to in §§ 1 or 2 shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 307. Voluntary redress of damage.

§ 1. The court may apply an extraordinary mitigation of penalty or even grant an absolute discharge with respect to the perpetrator of the offence specified in Articles 296 or 299 to 305 who has voluntarily redressed any damage caused.

§ 2. The court may apply an extraordinary mitigation of penalty with respect to the offender of the offence specified in § 1 who has voluntarily redressed a significant part of the damage caused.

Art. 308. Manager's liability. Anyone who, under a statutory provision, a decision of the competent authority, a contract or actual performance, manages the assets of another natural person, legal person, a group of people or unincorporated entity shall be liable for the offences specified in this chapter as a debtor or a creditor.

Art. 309. Fine. When sentencing for the offence specified in Article 296 § 3, Article 297 § 1 or Article 299, the court may impose a fine up to 3000 times the daily rate in addition to imprisonment.

CHAPTER XXXVII. OFFENCES AGAINST TRADING IN MONEY AND SECURITIES.

Art. 310. Counterfeiting money.

§ 1. Anyone who counterfeits or alters Polish or foreign money, Polish or foreign currency which has been identified as legal tender but has not yet been put into circulation, other legal tender, or a document giving the right to obtain a sum of money or containing an obligation to pay capital, interest, a share of profits, or who verifies participation in a company, or who removes a sign of redemption from currency, other legal tender or from such a document shall be liable to imprisonment for a minimum term of 5 years or 25 years' imprisonment.

§ 2. Anyone who puts money, other legal tender or currency or document specified in § 1 into circulation, or for that purpose receives, stores, transports, carries or dispatches it, or assists in disposing of or concealing the same shall be liable to imprisonment for a term going between one and 10 years.

§ 3. In a case of lesser gravity, the court may apply an extraordinary mitigation of penalty.

§ 4. Anyone who makes preparations to commit the offence specified in §§ 1 or 2 shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 311. False information. Anyone who, in the documentation relating to trading in securities, disseminates false information or conceals information about the offeror's financial situation, which information is of essential importance for acquiring or disposing of securities, or for increasing or decreasing a contribution, shall be liable to imprisonment for a maximum term of 3 years.

Art. 312. Putting counterfeit money into circulation. Anyone who puts into circulation counterfeit or altered money, other legal tenders or the document specified in Article 310 § 1, having received it as genuine, shall be liable to a fine, community sentence or imprisonment for a maximum term of one year.

Art. 313. Counterfeiting an official mark of value.

§ 1. Anyone who counterfeits or alters an official mark of value or removes an indication of cancellation from such mark, for the purpose of using it or putting it into circulation, shall be liable to imprisonment for a maximum term of 3 years.

§ 2. Anyone who puts into circulation a counterfeit or altered official mark of value, or one from which an indication of cancellation has been removed, or who acquires, uses, or stores such mark for the purpose of putting into circulation shall be liable to the same penalty.

Art. 314. Counterfeiting official mark. Anyone who counterfeits or alters an official mark purported to certify an authorisation or the result of an examination for the purpose of using the same in business transactions, or who uses items bearing such counterfeit or altered marks in public transactions, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

Art. 315. Tampering with measuring or testing instruments.

§ 1. Anyone who counterfeits or alters a certified measuring or testing instrument for the purpose of using the same in business transactions shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. Anyone who uses or stores a counterfeit or altered measuring or testing instrument for the purpose of using it in business transactions shall be liable to the same penalty.

Art. 316. Forfeiture.

§ 1. Money, documents and marks of value that have been counterfeited or altered, or from which an indication of cancellation has been removed, as well as altered measuring instruments and instruments used to commit the offences specified in this chapter shall be subject to forfeiture, even if they are not the property of the offender.

§ 2. Counterfeit or altered official marks, as specified in Article 314, must be removed, even if the removal involves the destruction of the item bearing them.

PART III. MILITARY PART.

CHAPTER XXXVIII. GENERAL PROVISIONS RELATING TO SOLDIERS.

Art. 317. Proper provisions.

§ 1. The provisions of the general and specific part of this Code shall apply to soldiers unless the military part provides otherwise.

§ 2. The provisions of Articles 356 to 363 and, if the offences specified therein are committed, the general provisions for soldiers shall also apply accordingly to employees of the army.

§ 3. The provisions of the military part shall apply accordingly to other parties if the law so provides.

Art. 318. Order. A soldier who commits a prohibited act while following orders does not commit an offence, unless by following the order, he or she commits an offence intentionally.

Art. 319. Utmost necessity.

§ 1. No offence shall be committed by a soldier who, faced with disobedience and resistance, uses measures necessary to enforce compliance with an order that he or she has been authorised to issue, if the circumstances require immediate countermeasures, and compliance with the order cannot be achieved otherwise.

§ 2. If the limits of utmost necessity are exceeded, the court may apply an extraordinary mitigation of penalty.

Art. 320. Incapacity to serve. If the perpetrator of the offence referred to in the military part has been incapable of serving in the military service at the time of the offence, the court may apply an extraordinary mitigation of penalty or even grant an absolute discharge.

Art. 321. Referral the offender to the commander. In the case provided for in Article 10 § 4, the court may refer the offender to the appropriate commander for the purpose of imposing the penalty provided for in military disciplinary rules, instead of imposing the educational and corrective measures referred to herein.

Art. 322. Military detention.

§ 1. Military detention is an additional penalty applicable to soldiers; the provisions on imprisonment shall apply accordingly to the penalty of military detention.

§ 2. The penalty of military detention shall be imposed for a period no shorter than one month and not longer than 2 years, and shall be imposed in months and years.

§ 3. Military detention shall be served in a dedicated penal institution; while serving the sentence the sentenced person shall also be liable to military training.

Art. 323. Community sentence.

§ 1. The provisions of Article 34 § 1a subparagraph 1 shall not apply to soldiers.

§ 2. While serving a community sentence, the sentenced person:

- 1) may not be promoted to a higher military rank or appointed to a higher military position;
- 2) may not participate in ceremonies and parades organised in his military unit or in which his military unit participates.

§ 3. Soldiers performing military service other than compulsory military service shall serve a community sentence by remaining in a particular place at the disposal of his superior for 4 hours, 2 days a week, after completion of their service duties. The court may also rule on a 5 to 15 per cent reduction of the monthly basic salary to be allocated to a court-designated community purpose.

§ 4. Soldiers performing compulsory military service shall serve a community sentence in a separate military facility on the terms set out in the Criminal Enforcement Code.

§ 5. If an offender sentenced to a community sentence on the terms set out in §§ 1 to 4 is no longer a soldier or, in the case provided for in Article 317 § 2, an employee of the army when starting to serve all or part of the sentence, the court shall convert the penalty to a community sentence imposed on general terms.

Art. 324. Penal measures.

§ 1. Penal measures applied to soldiers also include:

- 1) (*repealed*)
- 2) dismissal from the professional military service;
- 3) demotion.

§ 2. The penal measure specified in Article 39 subparagraph 7 shall not be imposed on soldiers performing compulsory service.

Art. 325 (*repealed*)

Art. 326. Dismissal from military service.

§ 1. Dismissal from the professional military service shall consist in the immediate removal from service, and the loss of badges and honourable distinctions awarded by the appropriate commander.

§ 2. The court may order dismissal from professional military service if the offender grossly abused his authority when committing an intentional offence, or has demonstrated that further service threatens essential substantial legally protected interests.

Art. 327. Demotion.

§ 1. Demotion shall entail the loss of military rank and reinstatement to the rank of private.

§ 2. The court may order demotion when sentencing for an intentional offence if the type of act, the manner and the circumstances of its commission make it appear that the offender has lost the attributes required to hold military rank, and especially in the case of acting for the purpose of gaining a financial benefit.

Art. 328. Additional information. The court may only order demotion if the offender was a soldier at the time of the offence, even if he or she is no longer a soldier at the time of sentencing.

Art. 329. Alternative military custody. If the offence is punishable by imprisonment for a maximum term of 5 years, and the penalty imposed would not be stricter than 2 years' imprisonment, the court may sentence a soldier to military custody.

Art. 330. Alternative community sentence. If the penalty of military custody would not exceed one year, the court may impose a community sentence on the soldier.

Art. 331. Absolute discharge. When granting an absolute discharge, the court may ask the appropriate commander to impose a disciplinary penalty provided for in the military disciplinary rules.

Art. 332. Concurrence of sentences.

§ 1. If the deprivation of civil rights and the demotion or dismissal from the professional military service have been ordered for the concurring offences, the court shall only order the deprivation of civil rights.

§ 2. If the demotion and dismissal from the professional military service have been ordered for the concurring sentences, the court shall only order demotion.

Art. 333. Conditional discontinuance.

§ 1. When applying a conditional discontinuance of criminal proceedings against a soldier, the court may also ask the relevant commander to impose a penalty provided for in the military disciplinary rules.

§ 2. The court may also resume criminal proceedings if an offender blatantly violates the rules of military discipline.

Art. 334. Duties, supervision.

§ 1. When imposing duties on a soldier, or when applying the measures provided for in Articles 67 or 72, the conditions of military service shall be taken into account.

§ 2. When placing a soldier under supervision, the court may entrust the performance of supervision to a military probation officer, a superior or a soldier designated by a superior.

Art. 335. Suspended sentence. When suspending the sentence of a soldier, the court may order the measures provided for in Article 323 § 2.

Art. 336. Deferred sentence.

§ 1. The court may defer a sentence of imprisonment with regard to a soldier performing a compulsory military service for up to 6 months until the service has been completed.

§ 2. The court may activate a deferred sentence if the offender blatantly violates the law or the rules of military discipline during the deferment period.

§ 3. Having consulted the unit commander, the court may release a soldier from serving the sentence of imprisonment not exceeding 6 months if the deferment period has lasted at least 6 months and the soldier has distinguished himself/herself in the performance of official duties, or has showed courage during this period.

§ 4. If justified by important reasons, the court may release a soldier from serving the penalty specified in § 3 even if the deferment period has lasted for a shorter period.

§ 5. The release from the penalty in accordance with §§ 3 or 4 entails the expungement of sentence by operation of law. If a fine or a penal measure has been ordered with regard to the sentenced person, the sentence may not be expunged before the penalty or penal measure has been completed.

§ 6. The provisions of §§ 1 to 5 shall apply accordingly to a person called up to perform military service.

Art. 337. Expungement. With regard to a soldier sentenced for an offence defined in the military part, committed during the service, to a fine, community service or imprisonment for a maximum term of one year, the court may order the expungement of the sentence after the soldier is transferred to the military reserve force, if the sentence or penal measure has been enforced.

CHAPTER XXXIX. OFFENCES AGAINST THE DUTY TO PERFORM MILITARY SERVICE.

Art. 338. Leave without permission.

§ 1. A soldier who, at least twice within a period not longer than 3 months, leaves his unit or designated accommodation without permission, or who remains away from them without permission for a single period not exceeding 48 hours shall be liable to a community sentence.

§ 2. A soldier who leaves his unit or designated accommodation without permission, or who remains away from them without permission for a period between 48 hours and 7 days shall be liable to a community sentence, military detention for a maximum term of one year, or imprisonment for a maximum term of one year.

§ 3. A soldier who leaves his unit or designated accommodation without permission, or who remains away from them without permission for more than 7 days shall be liable to military detention or imprisonment for a maximum term of 3 years.

§ 4. The offences specified in §§ 1 and 2 shall be prosecuted at the request of the commander of the military unit.

Art. 339. Desertion.

§ 1. A soldier who, for the purpose of permanently evading military service, leaves his unit or designated accommodation, or remains away from them for the same purpose, shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. An offender who deserts jointly with other soldiers, or taking weapons, shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 3. A soldier who, while deserting, flees abroad or evades returning to his country while abroad shall be liable to imprisonment for a term going between one and 10 years.

§ 4. A soldier who makes preparations to commit the offence specified in §§ 1 to 3 shall be liable to military detention or imprisonment for a maximum term of 2 years.

Art. 340. Voluntary return. If the offender of an offence defined in Article 339 has voluntarily returned after being absent for no more than 14 days, the court may apply an extraordinary mitigation of penalty.

Art. 341. Refusal to perform military service.

§ 1. A soldier who refuses to perform military service or to perform a duty arising from military service shall be liable to military detention or imprisonment for a maximum term of 3 years.

§ 2. A soldier performing military service other than compulsory military service who persistently fails to perform a duty arising from military service shall be liable to the same penalty.

§ 3. The offence specified in § 2 shall be prosecuted on the motion of the unit commander.

Art. 342. Self-mutilation, deceit.

§ 1. A soldier who, for the purpose of partially or completely evading military service or performing a duty arising from military service:

- 1) causes or allows another person to cause upon him or her the result provided for in Article 156 § 1 or Article 157 § 1,
- 2) uses deceit to mislead a military authority,

shall be liable to military detention or imprisonment for a maximum term of 3 years.

§ 2. In a case of lesser gravity, the offender shall be liable to a community sentence, military detention or imprisonment for a maximum term of one year.

CHAPTER XL. OFFENCES AGAINST MILITARY DISCIPLINE RULES.

Art. 343. Failure to follow orders.

§ 1. A soldier who fails or refuses to follow an order, or who fails to properly follow an order, shall be liable to military detention or imprisonment for a maximum term of 3 years.

§ 2. If an offender of the act specified in § 1 acts jointly with other soldiers or in the presence of assembled soldiers, or if the act specified in § 1 results in significant material damage or other serious damage, the offender shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. A soldier who acts in concert with other soldiers to commit an offence specified in §§ 1 or 2 shall be liable to a community sentence, military detention, or imprisonment for a maximum term of 2 years.

§ 4. The offences specified in §§ 1 or 3 shall be prosecuted on the motion of the unit commander.

Art. 344. Exclusion or mitigation of liability.

§ 1. A soldier who refuses or fails to follow an order that would involve an offence does not commit an offence specified in Article 343.

§ 2. If the order referred to in § 1 is not properly followed for the purpose of significantly reducing the harmfulness of the act, the court may apply an extraordinary mitigation of penalty or grant an absolute decree.

Art. 345. Active assault.

§ 1. A soldier who commits an active assault on a superior shall be liable to military detention or imprisonment for a maximum term of 3 years.

§ 2. If the offender commits an active assault in connection with a superior's military duties, or in concert with other soldiers, or in the presence of assembled soldiers, he or she shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 3. If the offender of the act specified in §§ 1 or 2 uses a weapon, a knife or another similarly dangerous item, he or she shall be liable to imprisonment for a term going between one and 10 years.

§ 4. The offender of the act specified in §§ 1 or 2 shall be liable to the penalty specified in § 3 if the offence has the result referred to in Article 156 or Article 157 § 1.

Art. 346. Compelling a superior.

§ 1. A soldier who uses force or an unlawful threat for the purpose of hindering a supervisor in the performance of military duties, or compelling the superior to undertake or abandon military duty shall be liable to military detention or imprisonment for a maximum term of 3 years.

§ 2. If the offender acts in concert with other soldiers, or in the presence of assembled soldiers, he or she shall be liable to imprisonment for a term going between 3 months and 5 years.

Art. 347. Insulting a superior.

§ 1. A soldier who insults a superior shall be liable to a community sentence, military detention, or imprisonment for a maximum term of 2 years.

§ 2. The offence shall be prosecuted on the motion of the aggrieved party or the unit commander.

Art. 348. Mutatis mutandis application. The provisions of Articles 345 to 347 shall apply accordingly to a soldier who commits the act specified therein against a soldier other than his or her superior in relation to performing his or her military duties.

Art. 349. Soldier of an allied state. The provisions of this section shall apply accordingly if the prohibited act has been committed against a soldier of an allied state, where the state guarantees reciprocity.

CHAPTER XLI. OFFENCES AGAINST THE RULES OF TREATING SUBORDINATES.

Art. 350. Humiliation and insult.

§ 1. A soldier who humiliates or insults a subordinate shall be liable to a community sentence, military detention, or imprisonment for a maximum term of 2 years.

§ 2. The offence shall be prosecuted on the motion of the aggrieved party or the unit commander.

Art. 351. Battery. A soldier who strikes a subordinate or otherwise commits a battery shall be liable to military detention or imprisonment for a maximum term of 2 years.

Art. 352. Maltreatment.

§ 1. A soldier who physically or mentally maltreats a subordinate shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. If the act specified in § 1 involves particular cruelty, the offender shall be liable to imprisonment for a term going between one year and 10 years.

§ 3. If the act specified in §§ 1 or 2 results in the suicide of the aggrieved party, the offender shall be liable to imprisonment for a term going between 2 and 12 years.

Art. 353. Mutatis mutandis application. The provisions of Articles 350 to 352 shall apply accordingly to a soldier who commits the act specified therein against a soldier of lower rank, or a soldier of equal rank who has been performing military service for a shorter period.

CHAPTER XLII. OFFENCES AGAINST THE RULES OF HANDLING ARMAMENT AND ARMED MILITARY EQUIPMENT.

Art. 354. Careless handling of weapons.

§ 1. A soldier who carelessly handles or uses a military weapon, ammunition, explosives or other means of warfare, thereby unintentionally inflicting bodily harm or damage to the health of another person shall be liable to military detention or imprisonment for a maximum term of 3 years.

§ 2. If the act specified in § 1 results in the death of another person or grievous bodily harm, the offender shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 355. Accident.

§ 1. A soldier who, while driving an armed motor vehicle, violates the principles of safety on land, water or air, even if unintentionally, and thereby unintentionally causes an accident in which another person suffers the bodily injury referred to in Article 157 § 1, or causes significant property damage, shall be liable to military detention or imprisonment for a maximum term of 3 years.

§ 2. If the accident specified in § 1 results in the death of another person or grievous bodily harm, the offender shall be liable to imprisonment for a term going between 6 months and 8 years.

§ 3. The provisions of Articles 42 and 178 shall apply accordingly.

CHAPTER XLIII. OFFENCES AGAINST THE RULES OF PERFORMING MILITARY SERVICE.

Art. 356. Violation of duty.

§ 1. A soldier who, having been assigned a duty or while being on duty, violates an obligation arising from a statutory provision or order concerning the course of that duty, and thereby causes an imminent threat of damage that the assigned duty was intended to prevent, shall be liable to a community sentence, military detention, or imprisonment for a maximum term of 3 years.

§ 2. If the offence results in the damage referred to in § 1, the offender shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 3. The offence specified in § 1 shall be prosecuted on the motion of the unit commander.

Art. 357. Alcohol or drug intoxication.

§ 1. A soldier who, having been assigned a duty or while being on duty, intoxicates himself/herself with alcohol or another substance shall be liable to a community sentence, military detention, or imprisonment for a maximum term of 2 years.

§ 2. The offence shall be prosecuted on the motion of the unit commander.

CHAPTER XLIV. OFFENCES AGAINST MILITARY PROPERTY.

Art. 358. Dealing with armament.

§ 1. A soldier who intentionally deals with a weapon, ammunition, explosives or other means of warfare shall be liable to military detention or imprisonment for a maximum term of 3 years.

§ 2. A soldier who without authorisation takes away a weapon, ammunition, explosives or other means of warfare shall be liable to imprisonment for a term going between one and 10 years.

Art. 359. Loss of armament. A soldier who, by failing to perform a duty, or by abusing his authority concerning the protection or supervision of a weapon, ammunition, explosives or other means of warfare, even if unintentionally, causes the same to be lost shall be liable to military detention or imprisonment for a term going between 3 months and 5 years.

Art. 360. Destruction of armament.

§ 1. A soldier who destroys, damages or renders unfit for use any weapon, ammunition, explosives or other means of warfare shall be liable to a fine, community sentence, military detention or imprisonment for a maximum term of 2 years.

§ 2. If the offender of the act specified in § 1 causes considerable damage to property, he or she shall be liable to imprisonment for a term going between 6 months and 8 years.

Art. 361. Misuse of military aircraft or seacraft.

§ 1. A soldier who uses, without permission, military aircraft or sea vessel for a purpose unrelated to the service shall be liable to imprisonment for a term going between 3 months and 5 years.

§ 2. In a case of lesser gravity, the offender shall be liable to a fine, community sentence, military detention, or imprisonment for a maximum term of one year.

Art. 362. Misuse of a military vehicle.

§ 1. A soldier who uses, without permission, a military motor vehicle to the detriment of the interests of the service or for the purpose of gaining a financial benefit, shall be liable to a fine, community sentence, military detention, or imprisonment for a maximum term of 2 years.

§ 2. In case of lesser gravity, the offender shall be liable to a fine or community sentence.

Art. 363. Dealing with equipment.

§ 1. A soldier who deals with an item of his equipment without permission, in particular by disposing, pledging or gratuitously lending it for use to another person, shall be liable to a fine, community sentence or imprisonment for a maximum term of 2 years.

§ 2. The offence shall be prosecuted on the motion of the unit commander.