

The Penal Code of Finland

[19 December 1889/39]

Chapter 1: Scope of Application of the Criminal Law of Finland

[20 June 1963/320]

s

1 A person who has committed an offence in Finland shall be sentenced in accordance with Finnish law.

2 A Finnish citizen and a foreigner habitually residing in Finland shall be sentenced in accordance with Finnish law also for an offence which he has committed outside of Finland.

3(1) A foreigner not habitually residing in Finland shall be sentenced in accordance with Finnish law for an offence which he has committed outside of Finland aboard a Finnish ship or aircraft, or which is directed against Finland, a Finnish citizen or a Finnish corporation, institution or foundation, or a foreigner habitually residing in Finland, and also for another criminal act committed outside of Finland, if it is punishable also under the law of the place of commission, or if it has been committed in an area not subject to any national law.

(2) Regardless of the provisions in (1) above, a foreigner may be sentenced in accordance with Finnish law, even if the offence is not punishable under the law of the place of commission, if the offence is:

1) a war crime, an aggravated war crime, a violation of human rights in a state of emergency, an aggravated violation of human rights in a state of emergency, genocide or preparation of genocide; [21 April 1995/578]

2) pandering;

2a) an assault, an aggravated assault, an attempt thereof or another offence that is to be deemed torture according to the UN Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; [14 July 1989/665]

3) hostage taking; [21 April 1995/578]

4) hijacking or criminal traffic mischief or aggravated criminal mischief directed against air traffic or international commercial shipping; or [21 April 1995/578]

5) a counterfeiting offence, preparation of counterfeiting or the use of counterfeit money. [24 August 1990/769]

4 An offence shall be deemed to have been committed both in the place where the criminal act was carried out and where the consequence of the offence became evident or, if the offence remained an attempt, where the consequence of the completed offence would have become evident.

5 Charges for an offence which a foreigner has committed aboard a foreign ship while it was in the territorial waters of Finland or aboard a foreign aircraft while it was above the territory of Finland and which is not directed against Finland, a Finnish citizen or a Finnish corporation, institution or foundation, shall not be brought unless the Chancellor of Justice has ordered the same.

6(1) Charges for an offence committed outside of Finland shall also not be brought unless the Chancellor of Justice has ordered the same. However, the prosecution order of the Chancellor of Justice shall not be necessary:

1) if the offence has been committed aboard a Finnish ship or aircraft by a member of the crew or by a passenger or by a person otherwise aboard;

- 2)if the offence has been committed by a Finnish citizen and it is directed against Finland, a Finnish citizen or a Finnish corporation, institution or foundation; or
- 3)if the offence has been committed in Iceland, Norway, Sweden or Denmark and the offence is punishable also under the law of the place of commission and if the appropriate public prosecutor of the country of the place of commission has reported the offence so as to have charges brought.
- (2) The prosecution order of the Chancellor of Justice shall also not be necessary in a case to be considered in accordance with the Military Court Procedure Act (1983/326). [25 March 1983/321]
- 7(1) No charges shall be brought, without the prosecution order of the Chancellor of Justice, against a person for an act for which he has partially or completely served the sentence passed by the court of a foreign state. If charges are brought and a sentence passed for the offence, the sentence already served shall, according to the discretion of the court, be deducted from the sentence passed here or considered as full punishment for the act.
- (2) No charges shall be brought for an act for which a court of Iceland, Norway, Sweden or Denmark has passed sentence, unless the Chancellor of Justice has ordered the same.
- 8Where it is especially provided by an Act that no charges shall be brought for an offence without the prosecution order of the President of the Republic or of Parliament, the provisions in s5—s7 do not apply.
- 9(1) The provisions in this chapter are without prejudice to the limitations of the scope of application of Finnish law that are due to generally recognized custom under public international law.
- (2) If an agreement that is in given cases contrary to the provisions in this chapter has been concluded with a foreign state, such exceptions apply as separately provided by an Act.
- 10(1) Separate provisions apply to extradition.
- (2) [Repealed by the Act of 7 July 1970/458]
- 11 [Repealed by the Act of 5 January 1994/11]

Chapter 2: **Punishments**

s

- 1[19 July 1974/613] (1) The general punishments shall be imprisonment, fine and summary penal fee.
- (2) The special punishments for civil servants shall be removal from office and warning. [8 September 1989/792]
- (3) The disciplinary punishments for a soldier and another person subject to ch. 45 shall be detention, confinement to barracks, disciplinary fine and warning. Separate provisions apply to the same. When provisions with disciplinary punishment as their sanction apply to a person not subject to ch. 45, he shall instead be sentenced to a fine. [12 April 1991/651]
- 2 [19 April 1991/697] (1) A sentence of imprisonment shall be passed either for a fixed period or for life. A sentence of imprisonment for a fixed period shall be at least fourteen days and at most twelve

years or, when sentencing to a joint punishment in accordance with ch. 7, at most fifteen years.

- (2) A sentence of imprisonment shorter than three months shall be meted out in full days. Other sentences of imprisonment for a fixed period shall be meted out in full months and days, full months, full years or full years and months and, when sentencing to a joint punishment, also in full years, months and days.

3[19 July 1074/613] (1) Where an offence is by law punishable by hard labour, a sentence of imprisonment shall be passed instead of the hard labour.

- (2) A sentence of life imprisonment shall be passed instead of hard labour for life. A sentence of imprisonment for a fixed period shall be passed instead of hard labour for a fixed period; the sentence scale provided for the hard labour shall be used. If no specific minimum and maximum periods have been provided, a sentence of imprisonment for at least six months and at most twelve years shall be passed instead of the hard labour.
- (3) Unless otherwise provided, the maximum period of imprisonment on the basis of a penal provision enacted before 1 July 1975 shall be four years.
- (4) The provisions on hard labour for life apply also to life imprisonment.

4 [29 July 1976/650] (1) A sentence of a fine shall be passed in day-fines. The smallest fine shall be one day-fine and the largest one hundred and twenty day-fines. The maximum and minimum for a joint punishment to a fine are provided in ch. 7. [19 April 1991/697]

- (2) A specific minimum or maximum fine may, for a special reason, be provided by an Act. A specific minimum or maximum provided by an Act enacted before 1 June 1969 does not apply.
- (3) Separate provisions apply to the summary penal fee, which is of a fixed amount in FIM. [21 January 1983/67]

4a[29 July 1976/650] (1) A day-fine shall be set in full FIM at an amount that is to be deemed reasonable, at the time of sentencing, with regard to the solvency of the person fined.

- (2) One third of the average gross daily income of the person fined shall be deemed a reasonable day-fine, unless the day-fine is to be set at a larger or smaller amount due to the wealth or maintenance liability of the person fined, or to other circumstances affecting his solvency. However, the day-fine shall not be set at an amount larger than what is left to the person fined after payment of state and local income taxes. Provisions are issued by Decree on the minimum amount of the day-fine and on the guidelines for taking the maintenance liability into consideration.
- (3) *Gross income* means the sum total of all wages and salaries, professional income, capital income and other income of the person fined, subtracted by the expenditure incurred by the acquisition or maintenance of income, where such expenditure has an essential effect on his solvency.

4b[29 July 1976/650] (1) The provisions in s4 and s4a apply to a threat of a fine, imposed as a punishment.

- (2) Where imposed as a coercive measure, the threat of a fine shall be set in full FIM, taking into consideration also the solvency of the person in question. For special reasons, such a threat of a fine may be enforced at an amount smaller than the one set.

4c[8 December 1989/1082] A minimum for the sum total in FIM of day-fines may be fixed by Decree for

situations where the sum total of day-fines set according to s4a would be less than the summary penal fee set for a similar but pettier offence.

- 5 [29 August 1986/650] (1) A person who has been sentenced to a fine and from whom the collection of the fine has failed, shall be sentenced to imprisonment in lieu of the fine (*conversion sentence*). A day-fine that is only partially paid, shall, when passing a conversion sentence, be considered unpaid. When passing a conversion sentence, every full FIM 50 of a threat of a fine, imposed in FIM, shall correspond to one day-fine.
- (2) When passing a conversion sentence, two unpaid day-fines shall correspond to one day's imprisonment. However, a conversion sentence shall be passed for at least four days and at most ninety days. If there is an odd number of day-fines to be converted, one day-fine shall be left unconverted.
- (3) If two or more fines are to be converted at the same time, only one conversion sentence shall be passed, by converting the total number of unpaid day-fines as provided in (2).
- (4) If, with regard to the reasons for the failure to pay the fine, or for another special reason, it is deemed appropriate, a conversion sentence can be passed shorter than what is provided in (2), but not shorter than four days. The court may waive a conversion sentence for special reasons concerning the personal circumstances of the person fined, unless it is necessary to pass it in order to uphold the general obedience to the law.

6 If a punishment is to be set on the basis of the value of given property, the value of the property at the time of the commission of the offence shall be decisive.

- 7 [8 September 1989/792] (1) Removal from office shall comprise the loss of the office or the public function in which the offence was committed. If an official who is in the civil service or has a comparable employment relationship with a public corporation or an independent public institution has transferred from the office in which the offence was committed to another corresponding office, the removal from office shall comprise the loss of the said latter office.
- (2) In cases referred to in s10 the removal from office shall comprise the loss of the office and public function or the offices and public functions that the convict has at the time of conviction.

8 [Repealed by the Act of 8 September 1989/792]

9 [Repealed by the Act of 8 September 1989/792]

- 10(1) An official sentenced to life imprisonment shall also be sentenced to removal from office. The same applies when the official is sentenced to imprisonment for a fixed period of at least two years, except if the court deems that the offence does not indicate that the convict is unsuitable for office.
- (2) If an official is sentenced to imprisonment for an intentional offence, for less than two years, he may at the same time be sentenced to removal from office, if the offence indicates that he is manifestly unsuitable for office. [8 September 1989/792]
- (3) However, a member of a body of representatives of a public corporation, elected in a general election, shall not be sentenced to removal from the said office by virtue of this section. [8 September 1989/792]

11[Repealed by the Act on the Abolition of Certain Supplementary Sanctions, 10 January 1969/1]

12 [8 September 1989/792] (1) In this Act *civil servant* means:

- 1)a person who is in the service of, or in a corresponding employment relationship with, the state, a municipality, a federation of municipalities or another organ of municipal co-operation, the Evangelical Lutheran church or the Greek Orthodox church or a congregation thereof or an organ of congregational co-operation, or the Province of Åland, or the Bank of Finland, the Social Insurance Institution or another independent state institution, the Institute of Occupational Health, the Pensions Institute of Local Authorities or the Commission for Local Authority Employers;
 - 2)a municipal councillor or another member of a body of representatives of a public corporation mentioned in 1), elected in a general election, except for a Member of Parliament in his parliamentary duties, as well as a member of an organ, eg. a municipal executive board, panel, board of directors, committee, board and advisory board, of a public corporation or institution mentioned in 1), and other elected official of a public corporation or institution mentioned in 1); and
 - 3)a person who on the basis of an Act, a Decree or an order based on an Act or Decree exercises public authority in a corporation other than those mentioned in 1), and a person, who elsewhere exercises public authority on the said basis.
- (2) In this Act *employee of a public corporation* means a person who is employed under contract by a public corporation or institution mentioned in (1)1).

13[20 April 1990/352] (1) If a convicted prisoner, while in a penitentiary or otherwise under the supervision of a prison authority, commits an offence that according to general law would be punished by a fine, he shall be subjected to a disciplinary punishment within the institution, as separately provided. If the offence is deemed to require a more severe punishment than a fine, charges against the offender shall be brought before a court.

(2) If a person referred to in (1) is convicted in a court for an offence, the disciplinary punishment for which he has suffered completely or partially, the sentence shall be subject to a reasonable reduction, unless there are justifiable grounds for not reducing the sentence or for considering the disciplinary punishment a full punishment for the act.

(3) If a convicted prisoner commits an offence outside of an institution, charges against him shall be brought before a court.

14 [Repealed by the Act on the Abolition of Certain Supplementary Sanctions, 10 January 1969/1]

14a(1) A person convicted for treason or high treason, or sentenced to imprisonment for another offence for at least two years, shall be sentenced to forfeit his military rank, unless such forfeiture, with regard to the nature of the offence, its causes and effects and the other consequences of the loss of military rank to the offender, is to be deemed unreasonable. [21 April 1995/578]

(2) [Repealed by the Act of 10 January 1969/2]

(3) [Repealed by the Act of 25 March 1983/321]

15(1) The times to be determined on the basis of this Code in years or months shall be counted by the calendar. A day shall equal a day and a night.

(2) [Repealed by the Act of 19 April 1991/697]

16[13 May 1932/143] (1) The financial benefit of the offence to the offender or to the person whom he has been acting for or on behalf of shall be estimated at the discretion of the court and declared forfeited regardless of whether charges have been brought against the person whom the offender has been acting for.

(2) If the offence is habitual or professional, the amount to be declared forfeited shall be estimated taking the scope of the criminal activity into account as a whole.

(3) If an offence has been committed, an object or property which belongs to the offender or to the person whom he has been acting for or on behalf of and which was used in the commission of the offence or which was solely or primarily prepared or procured for the commission of the offence, may be declared forfeited even if such a sanction is not specifically provided for the offence.

(4) The amount forfeited and the value of the object or property which the court has declared forfeited without ordering the object or property to be destroyed shall pass to the state. However, any compensation that cannot be collected from the offender shall be taken from the value of the object or the property. An action for the same shall be brought within one year of the date when the court decision on the forfeiture of the object or the property became final. When an object or property is declared forfeited by virtue of (3), also a person who has in good faith obtained a mortgage, lien or attachment to the object or the property, as security for a debt, shall receive payment from the value of said object or property, regardless of whether the debt has become due and payable; however, an action for the same shall be brought within the period referred to above, under threat of annulment of the mortgage, lien or attachment. [31 May 1974/413]

(5) Separate provisions apply to the retention of the forfeited object or property, as such, for the state, at the same time rendering the state liable for the compensation or debt referred to in (4).

17If the contents of a publication, writing or pictorial presentation are declared to be offensive, the copies in the possession of the author, publisher, editor, producer, distributor, exhibitor or seller, as well as the plates and the patterns which are solely intended for the production of said product, regardless of their ownership, shall be declared forfeited and rendered unusable. If only a part of the said product is found to be offensive and if it can easily be separated from the other parts, only the offending portion and the corresponding plates and patterns are to be declared forfeited and rendered unusable.

18In certain cases also sanctions other than those referred to here shall be used, as separately provided in this Code.

Chapter 3: **Grounds for the Removal of the Reduction in the Punishability of an Act**

s

1[31 May 1940/263] (1) An act which is otherwise punishable shall remain unpunished when committed by a child younger than fifteen years of age.

(2) The measures that can be applied to such a child are provided in the Child Protection Act.

2[19 July 1974/613] (1) A person who is fifteen but not yet eighteen years of age and commits an offence shall be sentenced, when said offence could be punished by life imprisonment, to imprisonment for at least two and at most twelve years. If the punishment in the provision in question is a fixed term of imprisonment or a fine, the sentence shall be at most three fourths of the severest punishment provided and at least the minimum punishment provided in ch. 2.

3(1) An act of an insane person and an act by a person mentally deficient due to senility or another similar reason shall remain unpunished.

(2) If someone is temporarily deranged so that he is not in possession of his mental faculties, an act that he commits while in such a condition shall also remain unpunished.

4(1) If someone is regarded as not having been in full possession of his mental faculties at the time he committed an offence, but he cannot be regarded as totally irresponsible in accordance with s3, the general punishment shall be that provided in s2.

(2) In this case the state of voluntary intoxication or other such self-induced mental aberration shall not by itself be a reason for such reduction of punishment.

5(1) An act which is regarded as having occurred more through accident than through negligence shall not be punished.

(2) If the penalty provision contains a specific minimum for imprisonment, the court may, unless the public interest demands otherwise, and for special reasons which are to be mentioned in the decision, pass a sentence shorter than the minimum period or, when no punishment more severe than a fixed term of imprisonment is provided, impose a fine. [19 July 1974/613]

(3) A court can waive the punishment in cases where

1)the offence, when assessed as a whole, considering its harmfulness and the degree of culpability of the offender indicated by it, is to be deemed petty;

2)the offence is to be deemed excusable because of special reasons concerning the act or the offender;

3)punishment is to be deemed unreasonable or pointless, considering the action taken by the offender to prevent or remove the effects of his offence, or to further its being cleared up, his personal circumstances, the other consequences of the offence to him, the actions by the social security and health authorities, or other circumstances; or

4)the offence would not have an essential effect on the total sentence because of the provisions on the concurrence of offenses. [23 March 1990/302]

(4) In addition of the provisions in (3), a court can waive the punishment for an offence committed while the offender was under 18 years old, if the act is deemed to be the result of his thoughtlessness or imprudence rather than his being heedless of the prohibitions and commands of law. [23 March 1990/302]

6If someone has committed an act to protect himself or another or his or another's property against an already begun or an imminent unlawful attack, and this act, though otherwise punishable, was necessary for the repelling of the attack, he shall not be sentenced to a punishment for such self-defense.

7Self-defense shall also be justified when someone forces his way unlawfully into the room, house, estate or vessel of another, or when someone caught in the act resists another who is trying to take back his own property.

8 [29 December 1967/621] (1) Where a person, who has been assigned to maintain public order, meets resistance in the performance of his duty, he shall be entitled to use such forcible measures that can be deemed justified in view of the nature of the duty, the seriousness of the resistance and the other circumstances prevailing in the situation. [7 April 1995/496]

(2) When a person being caught, arrested or imprisoned attempts to avoid being caught by resisting or escaping, or when a prisoner or another person caught, arrested or imprisoned attempts to escape or resists the prison guard or other person who is assigned to prevent escape or keep him in order, the use of forcible measures shall also be allowed so as to capture the aforesaid, to prevent the escape, or to keep order, when these measures can be justified in view of the circumstances. The law is the same when the resisting person is someone other than the aforesaid person.

(3) When someone has the right, according to (1) or (2), to use forcible measures, those assisting in the official functions shall also have this right.

(4) Also a person who has apprehended another person by virtue of ch. 1, s1 of the Coercive Measures Act shall have the right, as referred to above, to use forcible measures, if meeting resistance. [7 April 1995/496]

(5) [Repealed by the Act of 7 April 1995/496]

8a[25 March 1983/321] (1) A soldier who is performing duty as a sentry, in the day detail or as military police and who meets resistance shall have the right to use such forcible means as can be deemed justified in view of the security of the military unit or the object being guarded or otherwise in view of the nature of the duty or service and the seriousness of the resistance. On the grounds mentioned above a sentry shall have the right to use forcible means also if someone, despite the command to stop, approaches the area being guarded and to which entry is prohibited.

(2) If in combat, distress at sea or in another similar situation that is especially dangerous to the military unit or its functioning, and despite the prohibition of a superior officer, a subordinate deserts, violently resists his superior officer or does not obey an order that a superior officer has given to repel the danger even though this order was repeated, the superior officer shall have the right to use such forcible means against the subordinate to achieve obedience and discipline as can be considered justified in view of the seriousness of the act of the subordinate and also otherwise in view of the situation.

(3) Should a prisoner of war attempt to escape, the person who is assigned to prevent an escape shall have the right to use the forcible means referred to in s8(2).

9[29 December 1967/621] (1) If someone has in a situation referred to in s6 or s7 committed an act which was not necessary to repel the attack, to protect the sanctity of the home or to retrieve his property, he shall be sentenced for exaggerated self-defense, in accordance with the discretion of the court, either to full punishment or to punishment reduced in accordance with s2(1). If the circumstances were such that he could not retain his self-control, he shall not be sentenced to punishment.

(2) In situations referred to in s8 or s8a of this Code or s27 of the Police Act, where more forcible measures have been used than what can be deemed justified under the said sections, the sentence

may be reduced, on the basis of special mitigating reasons, as provided in (1) or, if there are extremely persuasive reasons for the same, it may be waived. [7 April 1995/496]

10 If someone has committed a punishable act in order to save himself or another, or his or another's property, from an apparent danger, and if it would otherwise have been impossible to undertake the rescue, the court shall consider, in view of the act and the circumstances, whether he shall remain unpunished or whether he deserves full punishment or a punishment reduced in accordance with s2(1).

10a[25 March 1983] (1) A subordinate soldier shall be sentenced to punishment for an act that he has committed in accordance with the order of a superior officer only if he has clearly understood that by obeying the order he would be breaking the law or his duty or service. If, however, the act has occurred under circumstances in which the subordinate could not have disobeyed the order, he may be left unpunished.

(2) A person shall not be punished for disobeying an order if obeying said order would have resulted in an act that is clearly in violation of duty or service or an act otherwise clearly in violation of the law.

11[2 July 1973/577] If fixed-term imprisonment is imposed for an act for which the offender has been deprived of his liberty for a continuous period of at least one day, the court shall deduct a period corresponding to this deprivation of liberty from the punishment, or deem this deprivation of liberty as service of the full punishment. The same shall be done when the deprivation of liberty was due to the defendant having been taken into custody because of a charge or of a preparatory hearing relating to the same matter. If the imposed punishment is a fine or removal from office, the deprivation of liberty shall be taken into consideration in a reasonable amount as reduction or as complete service of the punishment; however, the amount is to be at least as long as the deprivation of liberty.

Chapter 4: **Attempt**

s

1(1) When by law an attempt is to be punished, and no specific punishment is provided for it, the punishment shall be meted out according to the penalty provision for the completed offence; however, this punishment shall be reduced as provided in ch. 3, s2 for offenders over fifteen but not yet eighteen years old.

(2) The provisions in law on removal from office and other sanctions for the completed offence shall also be used in punishing an attempt. [10 January 1969/2]

2(1) If the offender on his own free will and not due to external hindrances has withdrawn from the completion of the offence, or he has prevented the consequence of the offence which makes the offence completed, the attempt shall not be punished.

(2) If such an attempt involves an act which in itself is a separate offence, a punishment shall be imposed for this offence.

3(1) The preparation of an offence shall be punished only when separately so provided..

(2) The provisions in s2 on attempt apply to punishable preparation.

Chapter 5: **Participation**

s

1If two or more persons have committed an offence together, each shall be punished as an offender.

2A person who orders, employs, harasses or otherwise intentionally induces or entices another person into an offence shall be punished, if the offence is completed, or constitutes a punishable attempt, for incitement as if he himself was the offender.

3(1) When another person is committing an offence, a person who intentionally furthers the act through advice, action or exhortation, shall be sentenced for complicity in the offence should the offence be completed. If this offence remains an attempt, and an attempt and the completion of the offence are similarly punishable, the said person shall also be punished for complicity in the offence. In both of these cases the said person shall be sentenced according to the provision that would have been used if he himself was the offender; however, a general punishment shall be reduced as provided in ch. 3, s2 for offenders over fifteen but not yet eighteen years old. If the offence remained an attempt punishable under ch. 4, s1, the accomplice shall be sentenced to at most half of the punishment he could have received had the offender completed the offence.

(2) In punishing the accomplice, the provisions on removal from office as well as other sanctions for the offence shall apply.

(3) Incitement to punishable complicity shall be punished as complicity.

(4) What is decreed in this section on complicity shall not be used in punishing offences referred to in ch. 42, 43 or 44, or offenses comparable to these.

4When a special circumstance removes the punishability of an act or mitigates or aggravates this, it shall apply only to the offender, inciter or accomplice who is under the said circumstance.

5The above provisions on punishing an accomplice do not apply if otherwise provided in this Code.

Chapter 6: **Meting Out Sentences**

[3 June 1976/466]

s

1(1) When meting out a punishment, all the relevant grounds increasing and decreasing the punishment and the uniformness of sentencing practice shall be taken into consideration. The punishment shall be meted out so that it is in just proportion to the damage and danger caused by the offence and to the culpability of the offender manifest in the offence.

(2) In addition to the relevant circumstances referred to elsewhere in law, the grounds referred to in s2 and s3 of this chapter shall be grounds increasing or decreasing punishment.

2The following shall be grounds increasing the punishment:

1)the degree to which the criminal activity was planned;

- 2)the commission of the offence as a member of a group organized for serious offences;
- 3)the commission of the offence for remuneration; and
- 4)the criminal history of the offender, if the relation between it and the new offence on the basis of the similarity between the offenses or otherwise shows that the offender is apparently heedless of the prohibitions and commands of law.

3The following shall be grounds decreasing the punishment:

- 1)significant pressure, threat or similar influence affecting the commission of the offence;
- 2)strong human sympathy leading to the offence or exceptional and sudden temptation or a similar factor which has been conducive to lowering the capability of the offender to obey the law; and
- 3)the voluntary attempt of the offender to prevent or remove the effects of the offence or to further the clearing up of his offence.

4 §If the offence or the resulting sentence has caused to the offender another consequence which together with the punishment imposed on the basis of the application of the grounds mentioned previously in this chapter would lead to a result that is unreasonable in comparison with the nature of the offence, such a situation is to be taken into consideration as is reasonable when meting out the punishment.

Chapter 7: **Joint punishment**

[19 April 1991/697]

s

1Sentencing to a joint punishment of imprisonment [19 April 1991/697]

- (1) In cases where a person would be sentenced to imprisonment for two or more offenses, he shall be sentenced to a joint punishment of imprisonment, unless otherwise provided elsewhere in law.
- (2) In cases where one offence would be punished by imprisonment and two or more other offenses by a fine, the court can pass a joint sentence of imprisonment for all the offenses or a joint sentence of imprisonment for some of the offenses and, in addition, a fine for the other offenses.
- (3) If an offence would be punished by imprisonment for life, a sentence of imprisonment for life is passed as a joint punishment for all the offenses.

2Maximum and minimum times for a sentence of imprisonment for a fixed period [19 April 1991/697]

- (1) When sentencing to a joint punishment, the maximum penalties for the various offenses can be exceeded, but the sentence shall not be longer than the sum total of the maximum penalties of the various offenses. In addition, the most severe maximum penalty cannot be exceeded by more than
 - 1)one year, if the most severe maximum penalty is imprisonment for less than one year and six months;
 - 2)two years, if the most severe maximum penalty is imprisonment for at least one year and six months but less than four years; or
 - 3)three years, if the most severe maximum penalty is imprisonment for a fixed period for at least four years.
- (2) The sentence shall not be shorter than the most severe minimum penalty for the various offenses.
- (3) The most severe maximum and minimum penalty means the sentence that, according to the provisions to be applied in the case, can be passed as the maximum and minimum penalty. If one or more

offenses are punishable only by a fine, the fines altogether shall be considered to equal one month's imprisonment when calculating the sum total of the maximum penalties of the various offenses.

3Joint fine [19 April 1991/697]

- (1) If a person should be sentenced at the same time to fines for two or more offenses, he shall instead be sentenced to a joint fine.
- (2) The maximum for a joint fine is two hundred and forty day-fines. If a minimum number of day-fines has been provided for an offence in a law enacted after 1 June 1969, the joint punishment to a fine shall not be less than the said minimum.
- (3) The above provision shall not apply to a threat of a fine, meted out in FIM.

4Other sanctions [19 April 1991/697]

If an offence is, in addition to a general punishment, also punishable by removal from office or by another sanction, the sanction shall be imposed in addition to the joint punishment, if so called for in law.

5Meting out a joint punishment [19 April 1991/697]

- (1) In the meting out of a joint punishment of imprisonment or a joint fine the provisions in ch. 6 shall be followed, where applicable.
- (2) When meting out a joint punishment the basis shall be the penalty for the offence which according to the court would be the result in the most severe punishment. The joint punishment shall be meted out in just proportion also to the number of offenses, their seriousness and their connection with each other. If one of the grounds for increasing or decreasing a punishment or some other circumstance listed in ch. 6, only applies to one or some of the offenses for which a sentence is being passed, it shall be considered to be a reasonable degree in the meting out of a joint punishment.

6Sentencing a joint punishment of imprisonment in arrears [19 April 1991/697]

- (1) If a person has unconditionally sentenced to imprisonment for one or more offenses and charges are brought against him for an offence committed before the sentence was passed, he shall be sentenced as if all the said offenses were brought simultaneously before the court. If the previous sentence, with special consideration also to its possible enforcement, is to be deemed a sufficient sanction also for the offence that was later brought before the court, the court shall declare that the former punishment covered also the latter offence. However, a sentence of joint punishment of imprisonment can be passed in arrears according to this section only when previous sentence has become final or is enforceable as a sentence has become final.
- (2) A sentence of joint punishment of imprisonment shall not be passed for offenses one of which was committed after an unconditional sentence of imprisonment was passed for the other.
- (3) The above provisions on an unconditional sentence of imprisonment shall apply to an sentence on the enforcing of a conditional sentence of imprisonment.

7Sentencing to an joint punishment of imprisonment for enforcement [19 April 1991/697]

- (1) If two or more sentences of imprisonment are to be enforced at the same time or if, after a convict has begun the serving of a sentence of imprisonment, another sentence of imprisonment comes up for enforcement and a sentence of joint punishment of imprisonment should have been passed for

the offenses instead of the said sentences , had they been brought before the court at the same time , the court shall pass a joint punishment of imprisonment for enforcement.

- (2) A sentence of joint punishment of imprisonment shall be passed at the request of the public prosecutor, by a lower court that has passed the sentence of imprisonment in one of the previous trials or by the general lower court of the place of residence of the convict. The session can be hold also at another time and in an other place than what was been provided on the sessions of general lower courts. In the cases concerning the sentencing to a joint punishment of imprisonment a district court and a town court have a quorum also with only the chairman present . If the court deems it necessary to take the matter up for consideration in full session, the matter shall be so considered.
- (3) A sentence of a joint punishment shall not be passed before the convict has been given a verifiable opportunity to be heard. The provisions on appeals in criminal matters shall apply to an appeal on a sentence of joint punishment. An appeal shall not hinder the enforcing of the sentence, unless otherwise ordered by the court.

8Exceptional sentencing to a joint punishment of imprisonment [19 April 1991/697]

- (1) If a sentence of a joint punishment of imprisonment has been passed for two or more offenses, and later falling under s6 or s7, it is noticed that sentence of a joint punishment of imprisonment should have been passed for an offence that was punished in the former sentence, and another offence, a sentence of a joint punishment of imprisonment shall be passed for all the said offenses.

9Status of the complainant [19 April 1991/697]

The complainant of a criminal matter previously decided upon shall not have right to be heard when a sentence of a joint punishment of imprisonment is being passed according to s6, s7 or s8.

Chapter 8: Statute of Limitations

[16 February 1973/138]

- 1(1) A punishment shall not be sentenced if charges have not been brought
 - 1)within twenty years, if the most severe punishment decreed for the offence is fixed-term imprisonment for over eight years,
 - 2)within ten years, if the most severe punishment is imprisonment for more than two years and at most eight years,
 - 3)within five years, if the most severe punishment is imprisonment for over a year and at most two years,
 - 4)within two years, if the most severe punishment is imprisonment for at most a year, or a fine.
 - (2) There is no statute of limitations for offences where the most severe punishment is life imprisonment.
 - (3) The most severe punishment referred to above means the maximum punishment decreed for the offence in the applicable provision, taking into consideration the circumstances manifested in the offence.
 - (4) The above provisions apply to offenses in office. However, the minimum time of limitation for such an offence is five years. [8 September 1989/792]
- 2(1) The bringing of charges shall be deemed to have taken place when the charged person has been legally summoned to court or a request for his punishment has been submitted with him personally

present. [29 December 1988/1256]

(2) The bringing of charges in a case which later remains unexamined or where prosecution is not continued shall not be considered significant in regard to the statute of limitations.

3(1) The periods mentioned above in s1 are calculated from the day the offence is committed. if a certain consequence is a condition of the punishability of an act, the period shall be calculated from the day the consequence became evident.

(2) If charges cannot be brought until an annulment of marriage is sought, the period shall be calculated from the day the annulment action was brought.

4[19 April 1991/697] If the same act comprises several offenses, a punishment for all the offenses may be imposed as long as it may be imposed for one of them.

5No offence for which the most severe punishment is other than imprisonment for life shall be punished thirty years after the day mentioned in s3. If the most severe punishment for the offence is imprisonment for a maximum of two years, suspension from office or a fine, no punishment shall be imposed fifteen years after the day mentioned in s3.

6(1) When the public prosecutor is not to bring charges unless the complainant has requested that charges be brought, no punishment shall be imposed unless the complainant has brought charges or has requested that charges be brought within one year of the day he gained knowledge of the offence and of the offender.

(2) If the complainant has deceased within the period mentioned in (1) without bringing charges or requesting that charges be brought, or if the complainant had not gained knowledge of the offence and of its offender before deceasing, punishment for an offence referred to in (1) shall not be imposed unless the spouse, children, parents or siblings of the complainant have brought charges or requested that charges be brought within one year of the day of the death of the complainant. If the complainant wished that no charges be brought, the relatives mentioned shall not be entitled to bring charges.

(3) If an offence was subject to public prosecution under an earlier law and has, under the new law, become an offence referred to in (1), the period provided in this section shall be calculated at the earliest from the date on which the new law entered into force. [24 August 1990/769]

(4) However, no punishment shall be imposed for an offence referred to in this section after the period of limitation referred to in s1 and s5 has ended. [24 August 1990/769]

7A sanction involving forfeiture shall not be imposed if no punishment may be imposed due to the termination of the period of limitation. The shortest period of limitation for a claim of forfeiture, however, is five years. If the claim of forfeiture involves an object or substance which, due to its special properties or characteristics, and with due consideration to the other circumstances manifest in the matter, is in danger of being put to criminal use, the claim shall not terminate.

8Separate provisions apply to the statute of limitations with regard to a complaint to be dealt with by penal order..

9(1) A sentence of imprisonment shall lapse if its enforcement has not been started within the time periods below, counted from the date when the sentence became final:

- 1) within twenty years, if the punishment is a fixed term of over eight years,
- 2) within fifteen years, if the punishment is for more than four years and at most eight years,
- 3) within ten years, if the punishment is for more than one year and at most four years,
- 4) within five years, if the punishment is for at most one year.

(2) A sentence of imprisonment for life shall not lapse.

(3) A conversion sentence for unpaid fines shall lapse if its enforcement has not been started within three years of the date when the decision became final. If a postponed conversion sentence is ordered to be enforced, the period mentioned above commences from the date when the final enforcement decision was given.

10 If the enforcement of an imprisonment sentence or of a conversion sentence for unpaid fines has been interrupted, or an offender on parole has been ordered to lose his liberty, the provisions in s9 shall be applied in continuing the enforcement. In fixed-term imprisonment, the period of limitation shall be determined on the basis of the remaining punishment and, if several punishments have been combined for enforcement, the period of limitation shall be determined on the basis of the remaining combined punishment. The period of limitation shall be calculated from the day of interruption and, if a parole is ordered revoked, from the day the final decision of revocation was given.

11 Enforcement of a fine shall lapse after five years from the day the legally valid decision was given. If a converted sentence has been imposed, the offender is entitled to pay the fine even after the period of limitation, in accordance with what has been separately provided. The above provisions on fines apply also to the threat of a fine.

12 Enforcement of a sanction of forfeiture shall lapse after ten years from the day the final decision was given. If the forfeiture involves an object or substance which, due to special properties or characteristics, and with due consideration to the other circumstances manifest in the matter, is in danger of being put to criminal use, the forfeiture shall not be subject to termination.

13 Regardless of what is decreed above in s11 and s12, enforcement in which distraint is levied within the termination period may be completed for the part of the distrained property.

14 A fine and a threat of a fine shall lapse upon the death of the offender. Enforcement involving distraint which was levied while the offender was living may be completed for the part of the distrained property.

15(1) Upon the death of the offender or another person liable for a forfeiture, the sanction shall be ordered enforced on the estate of the deceased, unless such a decision would be obviously unreasonable.

(2) If the offender sentenced to a forfeiture has deceased, the enforcement shall be directed on his estate. However, the heirs of the deceased shall have the right, within three months from the day when property belonging to the estate has been placed under distraint for the enforcement of the sentence, or when said property had been taken into the possession of the state, to bring the matter before the

court of first instance that heard the case against the offender, said court to decide whether the enforcement is to lapse due to the unreasonableness of the forfeiture.

- (3) The sanction of forfeiture of the financial benefit deriving from an offence, when imposed or enforced on the assets of the estate liable for the forfeiture, shall not exceed the simple amount of the benefit.

Chapter 9: **Corporate Criminal Liability**

[21 April 1995/743]

s

1 *Scope of Application* [21 April 1995/743]

- (1) A corporation, foundation or other artificial person⁽¹⁾, in whose operations an offence has been committed, may on the demand of the public prosecutor be sentenced to a corporate fine, if such sanction has been provided in this Code.
- (2) The provisions in this chapter do not apply to offences committed in the exercise of public authority.

2 *Prerequisites for Liability* [21 April 1995/743]

- (1) A corporation may be sentenced to a corporate fine, if a person belonging to a statutory body or other management thereof has been an accomplice to an offence or allowed the commission of the offence or if the care and diligence necessary for the prevention of the offence has not been observed.
- (2) A corporate fine may be imposed even if the offender cannot be identified or otherwise is not punished. However, no corporate fine shall be imposed for a complainant offence which is not reported by the complainant so as to have charges brought, unless there is a very important public interest for the bringing of charges.

3 *Connection between Offender and Corporation* [21 April 1995/743]

- (1) The offence shall be deemed to have been committed in the operations of a corporation, if the offender has acted on the behalf or for the benefit of the corporation, and belongs to its management or is in a service or employment relationship with it or has acted on assignment by a representative of the corporation.
- (2) The corporation shall not have the right to compensation from the offender for the corporate fine that it has paid, unless such compensation liability is governed by separate provisions on corporations and foundations.

4 *Grounds for Sentencing* [21 April 1995/743]

When the sentencing of a corporation to a corporate fine is being considered, especially the following shall be duly taken into account:

- 1) the nature and extent of the corporate neglect and the participation of the management in the offence, as referred to in s2(1);
- 2) the status of the offender as a member of the bodies of the corporation;
- 3) the seriousness of the offence committed in the operations of the corporation and the extent of the

⁽¹⁾ Hereinafter "corporation"

- criminal activity;
- 4)the other consequences of the offence to the corporation;
- 5)the measures of the corporation to prevent new offences, to prevent or remedy the effects of the offence or to further the investigation of the neglect or offence; and
- 6)where a member of the management of the corporation is sentenced to a punishment, the size of the corporation and the share of the corporation held by the offender, as well as the personal liability of the offender for the commitments of the corporation.

5Corporate Fine [21 April 1995/743]

A corporate fine shall be imposed in full FIM. The corporate fine shall be at least FIM 5 000 and at most FIM 5 000 000.

6Basis for Meting Out the Corporate Fine [21 April 1995/743]

- (1) The amount of the corporate fine shall be determined in accordance with the nature and extent of the neglect and the participation of the management, as referred to in s2, and the financial standing of the corporation.
- (2) When evaluating the significance of the neglect and the participation of the management, the following shall be duly taken into account: the nature and seriousness of the offence; the status of the offender as a member of the bodies of the corporation; whether the violation of the obligations of the corporation manifests heedlessness of the law or the orders of the authorities; as well as the bases for meting out punishment provided elsewhere in law.
- (3) When evaluating the financial standing of the corporation, the following shall be duly taken into account: the size of the corporation; its solvency; as well as the earnings and the other essential indicators of the financial standing of the corporation.

7Prosecutor's Discretion [21 April 1995/743]

- (1) The public prosecutor may waive the bringing of charges against a corporation, if:
 - 1)the corporate neglect or participation of the management, as referred to in s2, are of minor significance, or
 - 2)only minor damage or danger has been caused by the offence committed in the operations of the corporation

and the corporation has voluntarily taken the necessary measures to prevent new offences.

- (2) The bringing of charges may be waived also if the offender, in cases referred to in s4.6), has already been sentenced to a punishment and it is to be anticipated that the corporation for this reason will not be sentenced to a corporate fine.
- (3) The provisions in s15b(1) and (3), s15c and s15d of the Decree on the Enforcement of the Penal Code on the waiver of charges apply correspondingly to the decision to waive the bringing of charges against a corporation. In cases referred to in s15b(3) of that Decree, the prosecutor shall submit, instead of the question of culpability, the question of the existence of grounds for corporate criminal liability to be considered by a court.

8Joint Corporate Fine [21 April 1995/743]

- (1) If a corporation is at the same time to be sentenced for two or more offences, a joint sentence of corporate fine shall be passed in accordance with the provisions in s5 and s6.

- (2) No joint punishment shall be imposed for two offences, one of which was committed after a corporate fine was imposed for the other. If charges are brought against a corporation, which has been sentenced to a corporate fine by a final decision, for an offence committed before the said sentence was passed, a joint corporate fine shall also not be imposed, but the prior corporate fine shall be duly taken into account when meting out the new punishment.

9 *Statute of Limitations* [21 April 1995/743]

- (1) If the offender shall not be sentenced to a punishment due to the statute of limitations, also the corporation on whose behalf he has acted shall not be sentenced to a punishment. However, the minimum statute of limitations as regards corporate fines shall be five years.
- (2) The enforcement of a corporate fine shall lapse in five years from the date of the final decision imposing the fine.

Chapter 10: Offenses Against the Sanctity of Religion

[23 December 1970/827]

s

1A person who publicly casts reproach upon God shall be sentenced for *blasphemy* to a fine or to imprisonment for at most two years.

2A person who publicly abuses or defaces what is otherwise considered sacred by a religious community functioning in Finland shall be sentenced for *breach of the sanctity of religion* to a fine or to imprisonment for at most one year.

3(1) A person who through violence or the threat of violence prevents a religious community functioning in Finland from holding a religious service, from performing a religious function or from worship shall be sentenced for *prevention of worship* to imprisonment for at most two years.

(2) An attempt shall be punished.

4(1) A person who by raising a clamour or in an otherwise offensive manner intentionally disturbs the holding of a religious service, the performance of a religious function, or worship, as referred to in s3, shall be sentenced for *disturbance of worship* to a fine or to imprisonment for at most six months.

(2) A person who in the said manner disturbs a funeral when this is not a religious function shall be sentenced for *disturbance of funeral* to the punishment provided in (1).

ch01-10.r1

Chapter 11: War Crimes and Offences against Humanity

[21 April 1995/578]

s

1 *War Crime* [21 April 1995/578]

(1) A person who in an act of war

1)uses a prohibited means of warfare or weapon;

2)abuses an international symbol designated for the protection of the wounded or the sick; or

3) otherwise violates the provisions of an international agreement on warfare binding on Finland or the generally acknowledged and established rules and customs of war under public international law shall be sentenced for a *war crime* to imprisonment for at least four months and at most six years.

(2) An attempt shall be punished.

2 *Aggravated War Crime* [21 April 1995/578]

(1) If in the war crime

1) several people are put in mortal danger;

2) very serious and extensive damage is caused to the economy; or

3) the offence is committed in an especially brutal or cruel manner

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated war crime* to imprisonment for at least two and at most twelve years.

(2) An attempt shall be punished.

3 *Petty War Crime* [21 April 1995/578]

If the war crime, considering its consequences and the other relevant circumstances, is petty when assessed as a whole, the offender shall be sentenced for a *petty war crime* to a fine or to imprisonment for at most six months.

4 *Violation of Human Rights in a State of Emergency* [21 April 1995/578]

(1) A person who violates or fails to comply with the rules on the safeguarding of the wounded, the sick or the distressed, the treatment of prisoners of war and the protection of the civilian population, which according to the international agreements binding on Finland or the established rules of public international law are to be followed during war, armed conflict or occupation, shall be sentenced for the *violation of human rights in a state of emergency* to imprisonment for at least four months and at most six years.

(2) An attempt shall be punished.

(3) If the act referred to in this section, considering the nature of the violation, the minor significance of the consequences and the other relevant circumstances, is not serious when assessed as a whole, the offender shall not be sentenced for the violation of human rights in a state of emergency or an attempt thereof, but instead for the other offences manifest in the act.

5 *Aggravated Violation of Human Rights in a State of Emergency* [21 April 1995/578]

(1) If in the violation of human rights in a state of emergency

1) several people are put in mortal danger; or

2) the offence is committed in an especially brutal or cruel manner

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for the *aggravated violation of human rights* to imprisonment for at least two and at most twelve years.

(2) An attempt shall be punished.

6 *Genocide* [21 April 1995/578]

(1) A person who for the purpose of entirely or partially destroying a race or national, ethnic or religious group or another comparable group

1) kills members of the group;

2) inflicts grievous bodily or mental damage or illness to members of the group;

3) takes forcible measures to prevent procreation among the group;

4) forcibly moves children from one group to another; or

5) in another comparable manner impairs the survival of the group

shall be sentenced for *genocide* to imprisonment for at least four years or for life.

(2) An attempt shall be punished.

7 *Preparation of Genocide* [21 April 1995/578]

A person who for the purpose referred to in s6

- 1) conspires with another on genocide; or
- 2) makes a plan for genocide

shall be sentenced for the *preparation of genocide* to imprisonment for at least four months and at most four years.

8 *Ethnic Agitation* [21 April 1995/578]

A person who spreads statements or other notices among the public where a certain race or national, ethnic or religious group or a comparable group is threatened, slandered or insulted shall be sentenced for *ethnic agitation* to a fine or to imprisonment for at most two years.

9 *Discrimination* [21 April 1995/578]

A person who in his trade or profession, service of the general public, exercise of official authority or other public function or in the arrangement of a public amusement or meeting, without a justified reason

- 1) refuses someone service in accordance with the generally followed conditions;
- 2) refuses someone entry to the amusement or meeting or ejects him; or
- 3) places someone in an unequal or an essentially inferior position

due to his race, national or ethnic origin, colour, language, sex, age, family ties, sexual preference, state of health, religion, political orientation, political or industrial activity or another comparable circumstance shall be sentenced, unless the act is punishable as industrial discrimination, for *discrimination* to a fine or to imprisonment for at most six months.

Chapter 12: **Treasonable Offences**

[21 April 1995/578]

s

1 *Compromising the Sovereignty of Finland* [21 April 1995/578]

A person who by violence or the threat of violence or the military or economic pressure or support by a foreign state, for the purpose of

- 1) rendering Finland or a part of Finland subject to the authority of a foreign state;
- 2) separating a part of Finland from the rest of the territory; or
- 3) otherwise restricting the sovereignty of Finland in a comparably serious manner,

commits an act which causes the danger of said purpose being attained shall be sentenced for *compromising the sovereignty of Finland* to imprisonment for at least one and at most ten years.

2 *Warmongering* [21 April 1995/578]

If a person in Finland or a Finnish citizen outside of Finland, during an actual or imminent military crisis or international political crisis, for the purpose of causing Finland to be at war or the object of a military operation

- 1) publicly exhorts a foreign state to carry out an offensive against Finland or Finland to carry out an offensive against a foreign state;
- 2) publicly disseminates statements or other propaganda intended to turn the public opinion in favour of the carrying out of offensives;

- 3)systematically disseminates manifestly unfounded or misleading information on the Finnish defence or the military or security policy of Finland; or
- 4)unlawfully commits a violent act against a foreign state or the representative, territory or property of a foreign state

so that the act evidently increases the danger of Finland being at war or the object of a military operation, that person shall be sentenced for *warmongering* to imprisonment for at least one and at most ten years.

3*Treason* [21 April 1995/578]

- (1) A Finnish citizen who, during an actual or imminent war, armed conflict or occupation involving Finland,
 - 1)joins the armed forces of the enemy;
 - 2)participates in military operations or other military activities against Finland;
 - 3)serves the enemy in a military or civilian capacity immediately furthering the military operations against Finland; or
 - 4)collaborates with the enemy or in another comparable manner favours the enemy to the detriment of Finlandshall be sentenced for *treason* to imprisonment for at least one and at least ten years.
- (2) Also a foreigner who commits an act referred to in (1).4), while in Finland or in the service of Finland, shall be sentenced for treason.
- (3) An attempt shall be punished.
- (4) An act which is committed during occupation and which is evidently necessary for the safeguarding of the survival of the population shall not be considered favouring the enemy, as referred to in (1).4).

4*Aggravated Treason* [21 April 1995/578]

- (1) If in the treason
 - 1)there is danger of rendering Finland or a part of Finland subject to the authority of a foreign state; or
 - 2)especially serious damage is otherwise caused to Finlandand the treason is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated treason* to imprisonment for at least four years or for life.
- (2) An attempt shall be punished.

5*Espionage* [21 April 1995/578]

- (1) A person who for the purpose of favouring another state or damaging Finland procures information on a matter concerning Finnish defence or other preparation for emergencies, Finland's foreign relations, state finances, foreign trade or power supplies or another comparable matter involving Finnish national security, and the disclosure of the information to a foreign state can cause damage to Finnish defence, national security, foreign relations or economy, shall be sentenced for *espionage* to imprisonment for at least one and at most ten years.
- (2) A person who for the purpose of favouring another state or damaging Finland relays, delivers or discloses to another or publishes information referred to in (1) shall also be sentenced for espionage.
- (3) An attempt shall be punished.
- (4) A person serving in the armed forces of the enemy may be sentenced for espionage only if he, concealing that service, stays in Finland or in the theatre of operations of the Finnish defence forces. He shall not be sentenced for espionage other than that from which he was caught.

6*Aggravated Espionage* [21 April 1995/578]

- (1) If the espionage
 - 1)is committed during a state of emergency;

2)relates to a matter which is especially important to Finnish defence, national security, foreign relations or economy; or

3)is conducive to causing especially serious damage, as referred to in s5

and the espionage is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated espionage* to imprisonment for at least four years or for life.

(2) An attempt shall be punished.

7 *Disclosure of a National Secret* [21 April 1995/578]

(1) A person who unlawfully publishes or relays, delivers or discloses to another or, for such purpose, obtains information on a matter that has been classified as secret by statute or by administrative order, so as to safeguard Finnish national security, or that to the knowledge of the offender is conducive to causing serious damage to Finnish defence, national security, foreign relations or economy, shall be sentenced for *disclosure of a national secret* to imprisonment for at least four months and at most four years.

(2) An attempt shall be punished.

8 *Negligent Disclosure of a National Secret* [21 April 1995/578]

A person who, through gross negligence, unlawfully publishes or relays, delivers or discloses to another information on a matter that has been classified as secret by statute or by administrative order, so as to safeguard Finnish national security, shall be sentenced for *negligent disclosure of a national secret* to a fine or to imprisonment for at most two years.

9 *Unlawful Gathering of Intelligence* [21 April 1995/578]

(1) A person who for the purpose of damaging a foreign state or favouring another foreign state procures information on the defence or national security of a foreign state or on matters immediately relevant to the same and in this manner causes damage or danger to Finland's foreign relations shall be sentenced for *unlawful gathering of intelligence* to imprisonment for at least four months and at most six years.

(2) An attempt shall be punished.

10 *Violation of the Rules of Non-Alignment* [21 April 1995/578]

A person who violates the rules of non-alignment, governing the attitudes of Finland towards belligerent foreign states, shall be sentenced for the *violation of the rules of non-alignment* to a fine or to imprisonment for at most one year.

11 *Treasonable Conspiracy* [21 April 1995/578]

A person who for the purpose of committing an offence referred to above in this chapter conspires with a foreign state or a representative thereof shall be sentenced for *treasonable conspiracy* to a fine or to imprisonment for at most two years.

Chapter 13: **High Treason**

[21 April 1995/578]

s

1 *High Treason* [21 April 1995/578]

(1) A person who by violence or the threat of violence or by another comparable manner, by unlawful coercion or in violation of the Constitution, for the purpose of

1)abrogating the Finnish Constitution or altering it; or

2)altering the political foundations of Finland

commits an act which causes the danger of said purpose being attained shall be sentenced for *high treason* to imprisonment for at least one and at most ten years.

(2) A person who by violence or the threat of violence overthrows or attempts to overthrow the President of the Republic, the Council of State or Parliament or completely or partially prevents or attempts to prevent them from using their powers.

2 *Aggravated High Treason* [21 April 1995/578]

(1) If in the high treason

- 1) the offender is the President of the Republic, a member of the Council of State or another person belonging to the highest political or military command of the state;
- 2) the offence is committed by employing an armed troop;
- 3) the offence is committed by killing people; or
- 4) the offence is especially serious due to a state of emergency

and the high treason is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated high treason* to imprisonment for at least four years or for life.

3 *Preparation of High Treason* [21 April 1995/578]

(1) A person who for the purpose of committing high treason

- 1) conspires with a foreign state or a representative thereof;
- 2) produces, procures, assembles or caches firearms, ammunition or other comparable tools for violence;
- 3) provides training in the use of firearms or other comparable tools for violence; or
- 4) recruits or gathers troops or provides firearms for troops

shall be sentenced for *preparation of high treason* to imprisonment for at least four months and at most four years.

A person who establishes or organises an association whose purpose is the violent abrogation or alteration of the Constitution or political foundations of Finland, participates in the leadership of such association or otherwise significantly participates in its activities or, knowing about the purpose of the association, provides it with significant financial, organisational or other comparable support, shall also be sentenced for preparation of high treason.

4 *Unlawful Military Activity* [21 April 1995/578]

A person who unlawfully establishes, organises or provides supplies to an association organised in a military manner and having the purpose of exerting political influence, participates in the leadership of such association, supports it financially or otherwise in a significant manner or organises or provides military training in the association, shall be sentenced for *unlawful military activity* to a fine or to imprisonment for at most two years.

Chapter 14: **Offences against Democracy**

[21 April 1995/578]

s

1 *Electoral Offence* [21 April 1995/578]

A person who by violence or the threat of violence influences or attempts to influence another person voting or running for office in a general election or referendum shall be sentenced for an *electoral offence* to a fine or to imprisonment for at most two years.

2 *Electoral Bribery* [21 April 1995/578]

A person who

1)promises, offers or gives to another a fee or other benefit so as to persuade him to vote in a general election or referendum in a given way or to refrain from voting; or

2)demand a fee or another benefit for voting or refraining from voting in a general election or referendum

shall be sentenced for *electoral bribery* to a fine or to imprisonment for at most one year.

3*Fraudulent Voting* [21 April 1995/578]

(1) A person who in a general election or referendum votes without the franchise, in the name of another or more often than once shall be sentenced for *fraudulent voting* to a fine or to imprisonment for at most one year.

(2) An attempt shall be punished.

4*Falsifying Election Returns* [21 April 1995/578]

(1) A person who for the purpose of falsifying or obscuring the returns of a general election or referendum or

1)miscounts ballots;

2)destroys, defaces, hides or adds ballots or alters the markings on the ballots; or

3)in another comparable manner impedes the appropriate holding of the general election or referendum

shall be sentenced for *falsifying election returns* to a fine or to imprisonment for at most two years.

(2) An attempt shall be punished.

5*Violation of Political Freedom* [21 April 1995/578]

(1) A person who by violence or by a threat of serious injury to the well-being of another prevents him from

1)expressing his opinion of public affairs in a meeting or other gathering arranged for that purpose, in the media or otherwise publicly;

2)participating in a meeting, march or other gathering relating to public affairs

shall be sentenced for the *violation of political freedom* to a fine or to imprisonment for at most two years.

(2) A person who in the manner referred to in (1) makes another to involuntarily express his opinion of public affairs in a meeting or other gathering, in the media or otherwise publicly, to participate in a gathering relating to public affairs, or to become or remain a member of an association established for such affairs or to be active in such an association.

(3) An attempt shall be punished.

6*Prevention of a Public Meeting* [21 April 1995/578]

(1) A person who by violence or the threat of violence unlawfully prevents the arrangement of a meeting, march or other gathering relating to public affairs shall be sentenced for the *prevention of a public meeting* to a fine or to imprisonment for at most two years.

(2) An attempt shall be punished.

7*Definitions* [21 August 1995/1010]

(1) In this chapter *general election* means state elections, elections to the Åland Legislative Assembly, local elections, elections to the European Parliament and general church elections.

(2) In this chapter *referendum* means state and local referenda.

Chapter 15: [Repealed by the Act of 21 April 1995/578]

Chapter 16: **Offenses Against a Public Authority and Public Order**

s

1[29 December 1967/621] (1) A person who by violence or threat of violence forces or attempts to force an official into performing or refraining from performing an official function, or in said manner resists him in the performance of his duties, or otherwise employs violence against an official in the performance of his duties or in revenge upon him for an official function, shall be sentenced for *resisting an official* to imprisonment for at most four years and at least three months or, if the circumstances are very mitigating, to imprisonment for at most six months or to a fine.

(2) The same applies if the aforesaid act is directed at a person appointed or elected to assist in a public function or performance, or otherwise is assisting an official in the performance of his duties, or when the act is directed at a soldier in service.

2(1) A person who intentionally, albeit without the use or threat of violence, impedes an official in the performance of his duties shall be sentenced to imprisonment for at most three months or to a fine.

(2) The same applies if the offence is directed against a person mentioned in s1(2), or against a person authorized to carry out a lawful search.

3[29 December 1967/621] If a large crowd gathers and the crowd shows intent by general agreement to commit the offence mentioned in s1 or otherwise disturb public security or order and does not heed the order to disperse given three times by the official mentioned in s6, the instigator and the leader shall be sentenced for *rioting* to imprisonment for at most two years and everyone else who did not heed the order shall be sentenced for rioting to imprisonment for at most six months or to a fine.

4If the crowd by general agreement commits the offence stated in s1, the instigator, the leader and everyone who participated in said offence shall be sentenced for *rebellion* to imprisonment for at least one year and at most nine years, or if the circumstances are very mitigating, to imprisonment for at least six months. Other participants in the rebellion shall be sentenced to imprisonment for at least six months and at most three years or, if the circumstances are very mitigating, to a fine.

5If the crowd has by general agreement in cases other than that mentioned in s1 assaulted an individual or, through the use of violence seized public or private property or forcibly taken property, the instigator, the leader and everyone who participated in the violence or the forcible taking shall be sentenced to imprisonment for at least six months and at most eight years or, if the circumstances are very mitigating, to imprisonment for at least three months and at most four years; the others shall each be sentenced to imprisonment for at most six months or to a fine.

6[Repealed by the Act of 7 April 1995/496]

6a[Repealed by the Act of 20 December 1974/987]

6b[Repealed by the Act of 20 December 1974/987]

7[21 April 1995/578] A person who recruits or assembles armed troops so as to commit an offence referred to in this chapter or ch. 12 shall be sentenced for *armed breach of public order* to a fine or to imprisonment for at most two years.

8[20 December 1974/987] (1) A person who publicly in a crowd or in a generally published writing or other presentation exhorts or attempts to entice into the commission of an offence shall be sentenced for *public incitement to an offence* to a fine or to imprisonment for at most one year.

(2) A person who in the manner referred to in (1) exhorts or attempts to entice to genocide, the compromising of the sovereignty of Finland, treason, aggravated treason, espionage, aggravated espionage, high treason, aggravated high treason, rebellion, murder, manslaughter, homicide, robbery, aggravated robbery, an offence referred to in ch. 34, s1—s6 or s11 or a dangerous military offence referred to in ch. 45, s5, s8, s10, s18 or s20, shall be sentenced for *public incitement to a serious offence* to imprisonment for at least four months and at most four years. [21 April 1995/578]

(3) A person who otherwise in the manner referred to in (1) exhorts to disobedience to the law or legal regulations shall be sentenced for *public incitement to breaking the law* to a fine or to imprisonment for at most six months.

8a[Repealed by the Act of 21 April 1995/578]

9[Repealed by the Act of 21 April 1995/578]

10(1) A person who intentionally frees a prisoner from a place of punishment, a prison or other detention, or from the custody of a person guarding, accompanying or transporting him, or assists the escape of a prisoner or of an escapee who is to be apprehended, shall be sentenced to imprisonment for at least two months and at most three years.

(2) If the offender is a direct ascending or descending relative or in-law, spouse, stepfather or stepmother, stepchild, brother or sister or the spouse of the same, or the betrothed of the prisoner, the sentence shall be imprisonment for at most two years or a fine.

(3) An attempt shall be punished.

11 [Repealed by the Act of 8 September 1989/792]

11a[13 May 1932/155] If a prisoner unlawfully prepares, procures or possesses a firearm, edged or blunt weapon or other instrument of violence, he shall be sentenced to imprisonment for at most one year.

11b[19 July 1974/613] If a prisoner escapes or attempts to escape from a place of punishment or other detention or from the custody of a person appointed to guard, accompany or transport him he shall be sentenced for *escape by a prisoner* to imprisonment for at most one year or to a fine.

12[19 July 1974/613] If two or more prisoners have joined together and have together committed violence against a person in whose custody or under whose guard they are, or with the use or threat of violence have resisted him or have forced or attempted to force him into an act, everyone guilty of the act of violence or of the threat shall be sentenced for *violent infringement of prison order* to imprisonment for at most six years, and the others to imprisonment for at most one year or to a fine.

13[8 September 1989/792] (1) A person who to a civil servant, to an employee of public corporation or a soldier on duty, for his actions in service, promises, offers or gives a gift or other benefit, intended to the said person or to another, that affects or is intended to affect or is conducive to affecting the actions in service of the said person, shall be sentenced for *bribery* to a fine or to imprisonment for at most two years.

(2) A person who, for the actions in service of a civil servant or another person mentioned in (1), promises, offers or gives a gift or other benefit mentioned in the said paragraph to another person, shall also be sentenced for bribery.

13a[8 September 1989/792] If in the bribery

- 1) the gift or benefit is intended to make the person act in service contrary to his duties with the result of considerable benefit to the briber or to another or of considerable loss or detriment to another; or
- 2) the value of the gift or benefit is considerable and the bribery, also when assessed as whole, is to be deemed aggravated

the offender shall be sentenced for *aggravated bribery* to imprisonment for at least four months and at most four years.

14(1) A person who unlawfully self carries out a distraint or otherwise takes the law in his own hands shall be fined or sentenced to imprisonment for at most two months, unless a more severe sentence for the offence is provided elsewhere in law.

(2) If someone without legal authority otherwise has undertaken an act which only the appropriate official may perform, he shall be sentenced to imprisonment for at most six months or to a fine. If he committed the act with fraudulent intentions, the sentence shall be imprisonment for at most two years.

15 If someone intentionally destroys, damages, hides or seizes a public covenant, record, court record or other document or writing that is kept in public archives or in an office or with an official, or which is given ex officio to an office or official, shall be sentenced, unless other penal provisions apply to the offence, to imprisonment for at most four years.

16[21 April 1995/578] A person who unlawfully removes or defaces a public announcement posted by an authority shall be sentenced for the *destruction of a public announcement* to a fine.

17(1) A person who unlawfully and intentionally breaks the seal of an office or official by which an object or writing has been sealed shall be sentenced to a fine or to imprisonment for at most six months.

18 If, in contravention to a lawful prohibition, someone loses or conveys movable or real property or conveys the property of another, he shall be sentenced to a fine or to imprisonment for at most three months.

19(1) A person who knows of the impending compromising of the sovereignty of Finland, treason, aggravated treason, espionage, aggravated espionage, high treason, aggravated high treason, murder, manslaughter, homicide, aggravated assault, robbery, aggravated robbery, kidnapping, hostage taking, counterfeiting, aggravated counterfeiting, offence referred to in ch. 36, s1—6 or s11 or aggravated narcotics offence, and fails to report it to the authorities or the prospective victim of the offence in time so that it can be prevented, and the offence or a punishable attempt is committed, shall be sentence for *failure to report a serious offence* to a fine or to imprisonment for at most six months. [21 April 1995/578]

(2) However, if, in order to prevent the offence, the person would have had to reveal a person mentioned in s10(2), he shall not be sentenced for such failure.

20(1) If, after having received knowledge that an offence has occurred, someone has hidden the offender or assisted in hiding him, or furthered the offender's escape or assisted him in concealing the offence or in destroying evidence of the offence, he shall be sentenced to a fine or to imprisonment for at most one year. If he did so for personal gain he shall be sentenced to imprisonment for at most two years or to a fine.

However, the punishment shall not be more severe than what could be sentenced to an accomplice in said offence.

(2) However, no person mentioned in s10(2) shall be sentenced as provided in this section, nor shall anyone be sentenced as provided in this section if the offence is comparable to or one of those specifically mentioned in ch. 41, 42, 43 and 44.

a[4 February 1928/48] If someone, in order to mislead an authority, states his name, station or profession as being other than what it is, or otherwise gives misleading information about himself or with the same intention uses a passport, employer's reference or other similar certificate belonging to another, he shall be sentenced to a fine or to imprisonment for at most two years.

21[24 September 1990/769] A person who

- 1) gives false information to an authority so as to produce a legally relevant error in a public register; or
- 2) takes advantage of an error referred to in 1) so as to gain a benefit to himself or another or to injure another,

shall be sentenced for a *registration offence* to a fine or to imprisonment for at most three years.

22(1) A person who recruits a man of Finland into the military service of a foreign power shall be sentenced to imprisonment for at most one year or to a fine.

(2) The sentence for a person who procures military troops for the enemy is provided in ch. 12.

23(1) A person who through false notification or otherwise through fraudulent means entices a man of Finland into emigrating from Finland shall be sentenced to imprisonment for at most two years or to a fine.

(2) An attempt shall be punished.

24 [Repealed by the Act of 21 April 1995/578]

25[Repealed by the Act of 21 April 1995/578]

26[18 March 1983/283] (1) A person who has for sale or for rent or conveys or for said purpose prepares or imports a film or other motion picture recording depicting brutal violence shall be sentenced for *dissemination of a violent presentation* to a fine or to imprisonment for at most six months.

(2) The provisions in (1) shall not be applied, if the depiction of violence is to be deemed justifiable because of the informative nature or manifest artistic value of the film or recording. If the contents of the film or recording have been screened by censors and approved for presentation according to the Motion Picture Censorship Act (1965/299) or for distribution according to the Act on the Censorship of Videos and Other Pictorial Recordings (1987/697), the provisions in (1) shall also not be applied. If the producer or importer of the recording has evidently had the intention of subjecting the recording to such censorship before offering it for sale or for rent or conveying it, the production or import are not punishable according to (1).

[24 July 1987/698]

27The film or other recording which is the object of the offence referred to above in s26 and which is in the possession of the offender shall be declared forfeited to the state regardless of whom the property belongs to. If the recording has been conveyed to another, lost or destroyed, its value shall be declared forfeited in full or in part. In addition, the provisions in ch. 2, s16 on the forfeiture of the financial benefit derived from the offence shall be followed.

28[21 April 1995/743] The provisions on corporate criminal liability apply to bribery and aggravated bribery.

Chapter 17: Perjury
[29 July 1948/577]

s

- 1[29 July 1948/577] (1) If someone who has been heard in court as a witness or expert witness has intentionally and contrary to his knowledge given a false statement or unlawfully concealed something which to his knowledge would have shed light on the matter, he shall be sentenced to imprisonment for at most four years.
- (2) If the statement was given under oath or solemn affirmation or on the basis of a standing oath, he shall be sentenced to imprisonment for at least six months and at most four years or, if the circumstances are very mitigating, to imprisonment for at most four years.
- (3) If the person who has been heard in court as a witness or expert witness is considered to have given, through thoughtlessness or carelessness, a false statement or unlawfully concealed something which would have shed light on the matter, he shall be sentenced to a fine or to imprisonment for at most six months.
- 2 [19 July 1974/613] If the statement or concealment mentioned in s1(1) or (2) results in an innocent person being sentenced to a punishment or an offender being sentenced to a sentence that is more severe than what it would have been without such a statement or concealment, the witness or expert witness shall be sentenced to imprisonment for at least three months and at most six years. If the accused was sentenced to imprisonment for over one year, the offender shall be sentenced to imprisonment for at least six months and at most eight years.
- 3[15 December 1961/549] (1) If someone not as a witness or expert witness has under oath or solemn affirmation before a court or an enforcement officer sworn to a false statement or a statement where he has concealed something which would have shed light on the matter even though he had no lawful reason at the time of swearing to such statement to refrain from revealing this, he shall be sentenced to imprisonment for at least six months and at most four years or, if the circumstances are very mitigating, to imprisonment for at most four years or to a fine.
- (2) If the act referred to in (1) was committed through thoughtlessness or negligence, the sentence shall be a fine or imprisonment for at most six months.
- 3a[15 December 1961/549] (1) If, on being heard on the basis of an affirmation to tell the truth, a party to a case has in court intentionally given a false statement or unlawfully concealed something which would have shed light on the matter, he shall be sentenced to imprisonment for at most three years or, if the circumstances are very mitigating, to a fine.
- (2) If the act referred to in (1) was committed through thoughtlessness or negligence, the sentence shall be a fine or imprisonment for at most four months.
- 4[30 April 1987/451] (1) If a person who is not suspected of an offence, during pretrial investigations, in an interrogation where he has been personally present, has intentionally given a false statement or without a just cause concealed something that to his knowledge would have shed light in the matter, he shall be sentenced for *giving a false statement in pretrial investigations* to a fine or to imprisonment for at most one year. If the false statement or concealment has affected the bringing of charges against or in the detention

of an innocent person, the offender shall be sentenced to imprisonment for at most three years, or, under extremely mitigating circumstances, to a fine.

- (2) If a person who by law is obligated to keep to the truth in a police inquiry has, during a police inquiry, in an interrogation where he has been personally present, intentionally given a false statement or unlawfully concealed something that to his knowledge would have shed light on the matter, he shall be sentenced for *giving a false statement in a police inquiry* to a fine or to imprisonment for at most one year. [21 August 1995/1010]
- (3) The statutory representative of a legal person when heard in a case involving corporate criminal liability shall be considered a suspect for the purposes of pretrial investigations. [21 August 1995/1010]

5[29 July 1948/577] (1) If someone being heard as a witness or an expert witness before an authority other than a court or other than in the preliminary investigation of an offence has intentionally given a false statement, he shall be sentenced to a fine or to imprisonment for at most one year.

(2) If the statement was given under oath or a corresponding solemn affirmation, the sentence shall be imprisonment for at most three years or, if the circumstances are very mitigating, a fine.

6[Repealed]

7[29 July 1948/577] If someone who has committed an offence mentioned in s1—s5, of his own accord, before the sentence has been given in the matter or before someone else has been harmed thereby, retracts his false statement or reveals what he has concealed, or if the false statement deals with a circumstance which obviously does not affect the matter that the statement was needed to clarify, he shall be sentenced to a fine if the court does not consider that he should be left unpunished. If he does so later and the consequences of his criminal behaviour can still thereby be amended, the sentence shall be decreased as provided in ch. 3, s2.. If no sentence other than imprisonment is provided for the offence, he may also be sentenced to a fine.

8[29 July 1948/577] A person who gives to a public authority a written instrument which he knows to be false or, after having prepared such an instrument, gives it to another to be used in said manner, shall be sentenced to a fine or imprisonment for at most one year, if no more severe sentence for the act is provided by law.

9 [29 July 1948/577] If someone attempts to entice another into an offence mentioned in this chapter he shall be sentenced to imprisonment for at most one year or to a fine.

Chapter 18: **Offenses Against Family Rights**

s

- 1(1) If someone states that his name or station is other than what it actually is and if another person is thus deceived into a marriage agreement; or if someone deceives another into a marriage agreement by concealing a legal barrier to marriage or another circumstance which could cause the marriage to be annulled, he shall be sentenced to imprisonment for at most one year or to a fine.
- (2) If a wedding is also performed or if the deceiver has sexual intercourse with the woman who was deceived into a marriage agreement, he shall be sentenced to imprisonment for at least six months and at most two years or, if the circumstances are very aggravating, to imprisonment for at least six months and at most four years.
- (3) The public prosecutor shall not bring charges for the offence mentioned here unless the complainant has reported the offence for the bringing of charges or applied in court for the annulment of the marriage agreement or of the marriage.

- 2(1) A person who intentionally presents a child as the offspring of a woman who is not the mother of the child or exchanges one child for another or otherwise alters or infringes upon the family rights of another shall be sentenced to imprisonment for at most four years.
- (2) If he commits this offence for profit to himself or another or in order to injure another he shall be sentenced to imprisonment for at least six months and at most five years.
- (3) An attempt shall be punished.
- 3(1) If someone, by assuming a false name or by other fraudulent means, has acquired an inheritance or other family right, he shall be sentenced to imprisonment for at least six months and at most five years or, if the circumstances are very mitigating, to imprisonment for at least six months and at most four years.
- (2) An attempt shall be punished.

Chapter 19: **Bigamy**

s

1-3[Repealed by the Act of 23 September 1948/683]

- 4(1) If a married man weds a single woman, or a married woman weds a single man, he/she shall be sentenced for bigamy to imprisonment for at least six months and at most four years. If the circumstances are very mitigating, he/she shall be sentenced to imprisonment for at least two months and at most two years.
- (2) If the single person knew that the other was married, he/she shall be sentenced to imprisonment for at most two years.
- 5If a man and a woman, both of whom are married, enter into bigamy with each other, they shall each be sentenced to imprisonment for at least six months and at most six years. If the circumstances are very mitigating they shall each be sentenced to imprisonment for at least six months and at most four years.

6[Repealed by the Act of 16 April 1987/411]

Chapter 20: **Sexual Offences**

[15 January 1971/16]

s

- 1(1) A person who forces a woman to sexual intercourse by violence or by the threat of an imminent danger shall be sentenced for *rape* to imprisonment for at least six months and at most ten years or, under extremely mitigating circumstances, to imprisonment for at most four years. The impairment of the power of a woman to control her conduct or to offer resistance shall be deemed equivalent to violence or a threat. [29 April 1994/316]
- (2) An attempt shall be punished.
- 2(1) Who, in a situation not referred to in s1, forces another to sexual intercourse or other indecency by violence or by threat shall be sentenced for *sexual assault* to imprisonment for at most four years or to a fine. The impairment of the power of another to control his conduct or to offer resistance shall be deemed equivalent to violence or a threat. [29 April 1994/316]
- (2) A person who has sexual intercourse or commits other indecency with another, by taking advantage of the inability of said another to control his conduct or, due to a mental defect, illness or other infirmity, not to

offer resistance or understand the meaning of the act, or by grossly abusing the dependence of another on the offender or taking advantage of his vulnerability or distress, shall be sentenced as provided in (1). [29 April 1994/316]

(3) An attempt shall be punished.

3(1) A person who has sexual intercourse with a person under fourteen years of age or commits other comparable indecency with the same shall be sentenced for *statutory rape* to imprisonment for at least six months and at most six years or, if the circumstances are very mitigating, to imprisonment for at most four years.

(2) If a person at least sixteen years of age commits the act referred to in (1) with a person who is at least fourteen but not yet sixteen years of age, he shall be sentenced to imprisonment for at most four years or, if the circumstances are very mitigating, to imprisonment for at most two years or to a fine.

(3) If the offence referred to in (1) or (2) is committed in a manner manifesting exceptional cruelty or brutality and, with due consideration to the totality of circumstances leading to and manifested in the offence, the offence in the above mentioned or in other cases is considered to be aggravated, the offender shall be sentenced for *aggravated statutory rape* to imprisonment for at least two and at most ten years.

(4) An attempt of the offences mentioned in this section shall be punished.

4(1) A person who entices or persuades a person under fourteen years of age into sexual intercourse or other comparable indecency with another person shall be sentenced for *enticement of a child* to imprisonment for at least six months and at most eight years, or if the circumstances are very mitigating, to imprisonment for at most four years.

(2) If a person at least sixteen years of age entices or persuades a person at least fourteen but not yet sixteen years of age in the manner referred to in (1), he shall be sentenced to imprisonment for at most two years or to a fine.

5(1) A person who, by taking advantage of his position, has sexual intercourse with a person at least sixteen but not yet eighteen years of age and for whose maintenance the offender is liable or who is subordinated to the offender's authority or supervision in a school, institution or otherwise, or commits other indecency, comparable to sexual intercourse, with such a person who is of the opposite sex, shall be sentenced for *illicit sexual intercourse with a young person* to imprisonment for at most three years. The same provision applies if the act takes place by taking advantage of the young person's other similar dependence on the offender.

(2) If a person at least eighteen years of age commits indecency, comparable to sexual intercourse, with a member of the same sex who is at least sixteen but not yet eighteen years of age or, in the circumstances referred to above in (1), with a member of the same sex who is at least sixteen but not yet twenty-one years of age, the offender shall be sentenced as provided in (1).

6 If a person at least sixteen years of age touches a person under sixteen years of age in a manner violating sexual morality, or otherwise acts towards said person in a manner violating sexual morality, he shall be sentenced, if no punishment for the act is provided above in this chapter, for *immoral behaviour towards a child* to imprisonment for at most two years or to a fine.

7(1) A person who has sexual intercourse with his own child or with a descendant of his own child shall be sentenced for *incest* to imprisonment for at most four years.

(2) If a brother and sister or a half-brother and half-sister have sexual intercourse with each other, both shall be sentenced for *sibling incest* to imprisonment for at most two years.

(3) The above provisions do not apply to a person who has been forced to the act in the manner referred to in s1 or s2.

8(1) A person who keeps a brothel or entices or persuades another person into prostitution shall be sentenced for *pandering* to imprisonment for at most four years.

(2) A person who for personal gain encourages or takes advantage of the life that a prostitute leads shall be sentenced as provided in (1).

(3) An attempt shall be punished.

9(1) If someone publicly commits an act violating sexual morality, thereby giving offense, he shall be sentenced for the *public violation of sexual morality* to imprisonment for at most six months or to a fine.

(2) A person who publicly encourages sexual relations between persons of the same sex shall be sentenced for *incitement to homosexuality* as provided in (1).

10 (1) [Repealed by the Act of 29 April 1994/316]

(2) In cases referred to in s3, s4, s5(1) and s6, if the perpetrator has married the object of the act, he shall not be prosecuted or sentenced. [29 April 1994/316]

(3) If in the acts referred to in s3, s4, s5 or s6 there is only a slight difference in the ages or mental and physical development of the perpetrator and the object of the act, or there is another special reason to do so, the public prosecutor may waive prosecution and the court may waive sentencing when the public interest does not demand that charges be brought or a sentence imposed.

11The public prosecutor shall not bring charges for an act referred to in s1, s2, s3, s4, s5 or s6, unless the complainant reports it for the bringing of charges or unless an exceptionally important public interest demands the bringing of charges.

ch11-20.rl

Chapter 21: **Homicide and Injurious Offences**

[21 April 1995/578]

s

1*Manslaughter* [21 April 1995/578]

(1) A person who kills another shall be sentenced for *manslaughter* to imprisonment for at least eight years.

(2) An attempt shall be punished.

2*Murder* [21 April 1995/578]

(1) If the manslaughter is

1)premeditated;

2)committed in a particularly brutal or cruel manner;

3)committed by causing serious danger to the public; or

4)committed by killing an official on duty upholding the peace or public security, or because of an official action;

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *murder* to life imprisonment.

(2) An attempt shall be punished.

3*Homicide* [21 April 1995/578]

- (1) If the manslaughter, in view of the exceptional circumstances, the motives of the offender or other related factors, when assessed as a whole, is to be deemed committed under mitigating circumstances, the offender shall be sentenced for *homicide* to imprisonment for at least four and at most ten years.
- (2) An attempt shall be punished.

4 *Infanticide* [21 April 1995/578]

- (1) A woman who in a state of exhaustion or distress caused by childbirth kills her baby shall be sentenced for *infanticide* to imprisonment for at least four months and at most four years.
- (2) An attempt shall be punished.

5 *Assault* [21 April 1995/578]

- (1) A person who employs physical violence on another or, without such violence, damages the health of another, causes pain to another or renders another unconscious or to a comparable condition, shall be sentenced for *assault* to a fine or to imprisonment for at most two years.
- (2) An attempt shall be punished.

6 *Aggravated assault* [21 April 1995/578]

- (1) If in the assault
- 1) grievous bodily harm or serious illness is caused to another or another is placed in mortal danger,
 - 2) the offence is committed in an extremely brutal or cruel manner, or
 - 3) a firearm, edged weapon or other comparable dangerous weapon is used
- and the offence, also when assessed as a whole, is aggravated, the offender shall be sentenced for *aggravated assault* to imprisonment for at least six months and at most ten years.
- (2) An attempt shall be punished.

7 *Petty assault* [21 April 1995/578]

If the assault, when assessed as a whole and with due consideration to the minor character of the violence, the violation of physical integrity, the damage to health or other relevant circumstances, is of minor character, the offender shall be sentenced for *petty assault* to a fine.

8 *Negligent homicide* [21 April 1995/578]

A person who through negligence causes the death of another shall be sentenced for *negligent homicide* to a fine or to imprisonment for at most two years.

9 *Grossly negligent homicide* [21 April 1995/578]

If in the negligent homicide the death of another is caused through gross negligence, and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *grossly negligent homicide* to imprisonment for at least four months and at most six years.

10 *Negligent injury* [21 April 1995/578]

A person who through negligence causes significant bodily injury or illness to another shall be sentenced for *negligent injury* to a fine or to imprisonment for at most six months.

11 *Grossly negligent injury* [21 April 1995/578]

If in the negligent injury the bodily injury or illness is caused through gross negligence, and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *grossly negligent injury* to a fine or to imprisonment for at most two years.

12 *Brawling* [21 April 1995/578]

A person who by employing physical violence or otherwise takes part in a brawl or attack, which has several participants and where someone is killed or a serious bodily injury or illness is caused to someone, and if he had reason to believe that the brawl or attack would have the said consequence, shall be sentenced for *brawling* to a fine or to imprisonment for at most two years.

13 *Imperilment* [21 April 1995/578]

A person who intentionally or through gross negligence places another in serious danger of losing his life or health, shall be sentenced, unless the same or a more severe punishment for the act is provided elsewhere in law, for *imperilment* to a fine or to imprisonment for at most two years.

14 *Abandonment* [21 April 1995/578]

A person who renders another helpless or abandons a helpless person of whom he should take care, and thereby causes danger of said person losing his life or health, shall be sentenced for *abandonment* to a fine or to imprisonment for at most two years.

15 *Neglect of Rescue* [21 April 1995/578]

A person who knows that another is in mortal danger or serious danger of losing his health, and does not give or procure such assistance that in view of his options and the nature of the situation can reasonably be expected, shall be sentenced for *neglect of rescue* to a fine or to imprisonment for at most six months.

16 *Right to bring charges* [21 April 1995/578]

The public prosecutor shall not bring charges for petty assault, if the victim has attained the age of fifteen years, nor for negligent injury, unless the complainant reports the offence for the bringing of charges.

17 *Waiver of measures* [21 April 1995/578]

If the victim of an assault on his own accord requests that charges not be brought, the public prosecutor may waive prosecution, unless an important private or public interest require the bringing of charges.

Chapter 22: Abortion
[14 July 1969/491]

s

1 [Repealed by the Act of 14 July 1969/491]

2 [Repealed by the Act of 14 July 1969/491]

3 [Repealed by the Act of 14 July 1969/491]

4 [Repealed by the Act of 14 July 1969/491]

5 [17 February 1950/85] (1) If a woman unlawfully and intentionally kills her fetus or has it killed, either by abortion or by feticide, she shall be sentenced to imprisonment for at most four years. If the circumstances are very mitigating, punishment may be waived.

- (2) If someone in accordance with the wishes of a woman unlawfully and intentionally kills her fetus, either by abortion or by feticide, he shall be sentenced to imprisonment for at most four years. If he does so for a fee, he shall be sentenced to imprisonment for at most six years.
- (3) An attempt of the offenses mentioned in this section shall be punished.

6[17 February 1950/85] (1) If someone without the consent of the woman unlawfully and intentionally kills her fetus, either by abortion or by feticide, he shall be sentenced to imprisonment for at least two years and at most eight years.

(2) An attempt shall be punished.

7[Repealed by the Act of 14 July 1969/491]

8[Repealed by the Act of 14 July 1969/491]

9[Repealed by the Act of 14 July 1969/491]

Chapter 23: **Drunkenness in Traffic**

[10 December 1976/960]

s

1[15 July 1994/655] A person who operates a motor vehicle after having consumed alcohol so that his blood alcohol level is at least 0.5 per mill or his exhalation contains at least 0.25 milligrams of alcohol per one litre of air while or after the drive shall be sentenced for *drunken driving* to a fine or to imprisonment for at most three months.

2[15 July 1994/655] If in the drunken driving

- 1)the blood alcohol level of the offender is at least 1.2 per mill or his exhalation contains at least 0.60 milligrams of alcohol per one litre of air; or
- 2)the capacity of the offender to perform faultlessly is significantly reduced

and the circumstances are such that the offence is conducive to endangering others, the offender shall be sentenced for *aggravated drunken driving* to at least sixty day-fines or to imprisonment for at most two years.

3(1) A person who operates a motor vehicle under the influence of an intoxicating substance other than alcohol or under the combined influence of alcohol and another intoxicating substance, so that his ability to perform faultlessly is reduced, shall be sentenced, if the act is not punishable according to s2, for *intoxicated driving* to a fine or to imprisonment for at most two years.

(2) A performance-affecting drug shall also be deemed an intoxicating substance.

4[15 July 1994/655] A person who operates a train, a tram or another motor-driven rail vehicle, or acts in a capacity essentially affecting rail safety, after having consumed alcohol or another intoxicating substance so that

- 1)his blood alcohol level is at least 0.5 per mill or his exhalation contains at least 0.25 milligrams of alcohol per one litre of air while or after the drive; or
- 2)his capacity to perform is reduced

shall be sentenced for *rail traffic drunkenness* to a fine or to imprisonment for at most two years.

5[15 July 1994/655] A person who operates an aircraft, or acts as a crew member, air traffic controller or in another capacity affecting air traffic safety, after having consumed alcohol or another intoxicating substance so that

- 1)his blood alcohol level is at least 0.5 per mill or his exhalation contains at least 0.25 milligrams of alcohol per one litre of air while or after the drive; or
- 2)his capacity to perform is reduced

shall be sentenced for *air traffic drunkenness* to a fine or to imprisonment for at most two years.

6(1) A person who operates a vessel after having consumed alcohol or another intoxicating substance so that

- 1)his blood alcohol level is at least 1.0 per mill or his exhalation contains at least 0.50 milligrams of alcohol per one litre of air while or after the drive; or
- 2)his capacity to perform is reduced

and the circumstances are such that the offence is conducive to endangering others, the offender shall be sentenced for *waterway traffic drunkenness* to a fine or to imprisonment for at most two years. [15 July 1994/655]

(2) Also the captain, the mate, the pilot and another person serving on board a vessel shall be sentenced for waterway traffic drunkenness, if he after having consumed alcohol or another intoxicating substance steers the vessel or acts in a capacity essentially affecting ship safety under the circumstances referred to above.

(3) A rowing boat, a yawl or a comparable vehicle shall not be deemed a vessel.

7If someone relinquishes a vehicle referred to in this chapter to the operation or control of a person who is apparently in such a state that he is guilty of the offence mentioned in s1—s6, he shall be sentenced for *relinquishing a vehicle to a drunken person* to a fine or to imprisonment for at most one year.

8If the offence mentioned in s6 is committed on a vessel noted in the Finnish registry of ships or if the offence referred to in s7 is committed by relinquishing such a vessel, the matter shall be dealt with in the order provided in the Maritime Act. Charges for the said offence may also otherwise be considered in connection with a case under maritime law.

Chapter 24: **Breaking the Peace**

s

1(1) A person who without a lawful reason and against the will of another forcibly enters the residence of the latter, be it a room, house, estate or vessel owned or rented by the latter or in which the latter resides with permission, or without reason refrains from following an order to leave such a place, or without proper reason enters through stealth or hides inside, shall be sentenced for *unlawful entry* to a fine or to imprisonment for at most six months.

(2) A person who in said manner breaks the peace of the house, estate or vessel where the Head of State resides, or the house where Parliament or a Parliamentary Committee is holding a meeting, or an official office or a room where official functions are performed, shall be sentenced to a fine or to imprisonment for at most one year.

(3) If the offence mentioned in this section is committed with the intent of assaulting someone or of damaging property or if it is committed by somebody who is equipped with a weapon or a mortally dangerous instrument or another instrument of violence, or if two or more persons commit it together, the sentence shall be imprisonment for at most two years.

- 2 If a search of premises is carried out by someone lacking the authority to do so, or if someone having such authority carries it out in an unlawful manner, he shall be sentenced to a fine or to imprisonment for at most one year.
- 3(1) A person who intentionally smashes in the window of another, or throws a rock or something else into the room, house, estate or vessel of the latter, or fires a weapon into said premises, shall be sentenced to a fine or to imprisonment for at most six months.
- (2) A person who in said manner breaks the peace of the house, estate or vessel where the Head of State resides, or the house where Parliament or a Parliamentary Committee is holding a meeting, or an official office or a room where official functions are performed, shall be sentenced to a fine or to imprisonment for at most one year.
- 3a[28 October 1938/334] (1) A person who out of mischief or boisterousness, with loud noises or otherwise through causing a disturbance breaks the peace of another's home, or, with the apparent intention of disturbing the latter, calls him or has him called on the telephone, shall be sentenced to a fine or to imprisonment for at most three months.
- (2) If someone in said manner breaks the peace of a place referred to in s1(2), he shall be sentenced to a fine or to imprisonment for at most six months.
- 3b[11 July 1972/543] (1) A person who without permission listens or records with a technical device what occurs in a place or area referred to in s1 shall be sentenced for *eavesdropping* to a fine or to imprisonment for at most one year.
- (2) A person who without permission watches or monitors with a technical device a person staying in a place or area referred to in s1 shall be sentenced for *illicit observation* to a fine or to imprisonment for at most one year.
- (3) If someone with the intent mentioned in (1) or (2) places a technical device for the purpose of eavesdropping or illicit observation in a place or area referred to in s1, he shall be sentenced for *preparation of eavesdropping* or *of illicit observation* to a fine or to imprisonment for at most six months.
- 4 A person who without authorization exhumes a cadaver or a part thereof or without authorization destroys, hides or mutilates an unburied cadaver or handles a cadaver maliciously, or unlawfully destroys or damages a grave or does mischief on a grave shall be sentenced to imprisonment for at most one year or to a fine.
- 5[11 July 1972/543] The public prosecutor shall not bring charges for an offence mentioned in s1, s2, s3, s3a or s3b unless the complainant has reported the offence for the bringing of charges or unless the offence occurred in a place referred to in s1(2) or was directed against such a place or a person staying in such a place.

Chapter 25: **Offences against Liberty**

[21 April 1995/578]

s

1 *Deprivation of liberty* [21 April 1995/578]

A person who by confinement, binding, transportation or otherwise unlawfully prevents another from moving or isolates him shall be sentenced for *deprivation of liberty* to a fine or to imprisonment for at most two years.

2 *Aggravated deprivation of liberty* [21 April 1995/578]

If in the deprivation of liberty

- 1) the loss of liberty lasts for longer than 72 hours;
- 2) a serious danger to the life or health of another is caused; or
- 3) exceptional cruelty or the threat of severe violence is used

and the deprivation of liberty is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated deprivation of liberty* to imprisonment for at least four months and at most four years.

3 *Kidnapping* [21 April 1995/578]

(1) A person who

- 1) by violence, threat or duplicity takes control of another person in order to subject him to degrading conditions or forced labour;
- 2) by violence, threat or duplicity takes control over a child less than fifteen years old in order to subject him to the trade in human beings; or
- 3) enslaves another or keeps a slave, transports slaves or trades in slaves

shall be sentenced, if the act is aggravated when assessed as a whole, for *kidnapping* to imprisonment for at least two and at most ten years.

(2) An attempt shall be punished.

4 *Hostage taking* [21 April 1995/578]

(1) A person who deprives another of his liberty in order to have a third person do, endure or omit to do something, under threat that the hostage will otherwise not be released or he will be killed or harmed, shall be sentenced, if the act is aggravated when assessed as a whole, for *hostage taking* to imprisonment for at least one and at most ten years.

(2) An attempt shall be punished.

5 *Parental kidnapping* [21 April 1995/578]

If the parent, foster parent or custodian of a child less than sixteen years old or a person close to the child, by self-help, takes possession of the child for himself or another person referred to above from the person in whose possession the child is, he shall be sentenced for *parental kidnapping* to a fine or to imprisonment for at most six months.

6 *Negligent deprivation of liberty* [21 April 1995/578]

(1) A person who through negligence causes another to lose his liberty shall be sentenced, unless the act is of minor significance in view of the harm or injury caused, for *negligent deprivation of liberty* to a fine or to imprisonment for at most six months.

(2) A person shall also be sentenced for negligent deprivation of liberty if he unlawfully deprives another of his liberty under the conviction that he has a right to the same, unless the act is of minor significance in view of the harm or injury caused.

7 *Menace* [21 April 1995/578]

A person who points a weapon at another or otherwise threatens another with an offence under such circumstances that the person so threatened has reason to believe that the personal safety or property of himself or someone else is in serious danger shall be sentenced, unless a more severe penalty for the act is provided elsewhere in law, for *menace* to a fine or to imprisonment for at most two years.

8 *Coercion* [21 April 1995/578]

A person who unlawfully by violence or threat forces another to do, endure or omit to do something shall be sentenced, unless a more severe penalty for the act is provided elsewhere in law, for *coercion* to a fine or to imprisonment for at most two years.

9 *Right to bring charges* [21 April 1995/578]

- (1) The public prosecutor shall not bring charges for negligent deprivation of liberty, menace or coercion, unless the complainant reports the offence for the bringing of charges or unless a lethal instrument has been used to commit menace or coercion, or unless a very important public interest requires that charges be brought.
- (2) The public prosecutor shall not bring charges for parental kidnapping, if this would be contrary to the interests of the child. Before charges are brought, the public prosecutor shall hear the social welfare board of the municipality where the child resides or is staying, or which otherwise evidently has the best information concerning the child.

Chapter 26: **False and Unsubstantiated Accusation**

s

1 [19 July 1974/613] (1) A person who, contrary his better knowledge, before a court or an other authority accuses a person of an offence that this person has not committed or falsely accuses another of an offence so that charges are brought against this person, shall be sentenced to imprisonment for at least three months and at most four years or, if the circumstances are very mitigating, to imprisonment for at most two years or to a fine.

(2) If the accused has been sentenced to imprisonment for over one year and if the sentence has been enforced in full or in part, the offender shall be sentenced to imprisonment for at least two years and at most eight years.

2 If someone in order to have another person sentenced, contrary to his better knowledge, has presented a false and incriminating circumstance about this person, and this has resulted in charges being brought against the person, or if he has removed evidence of said person's innocence or, after charges have been brought, destroyed evidence of the innocence of the accused, or presented a false and incriminating circumstance about this person, the offender shall be sentenced as provided in s1.

3 A person who, contrary to his better knowledge, falsely accuses someone of an offence to a person whose duty it is to bring charges shall be sentenced, even if charges are not brought, to imprisonment for at least one year and at most two years or to a fine.

4 (1) If someone, not contrary to his better knowledge, has brought charges or caused charges to be brought against another for an offence, but has not been able to prove the accusation, he shall be sentenced to a fine or to imprisonment for at most one year.

(2) If he has presented probable cause in support of his accusation he shall not be sentenced.

5 A person who is sentenced in accordance with this chapter shall at the same time be held liable to compensate the complainant for publishing the judgement in a general or local newspaper, should the complainant so demand.

Chapter 27: **Defamation and Invasion of Privacy**

[13 December 1974/908]

s

- 1(1) A person who, contrary to his better knowledge, falsely states that another is guilty of a specific offence or a specific type of offence or of another act that can subject said person to contempt or harm his profession or career, or spreads a lie or false rumour about such matters shall be sentenced for *defamation* to imprisonment for at least one month and at most one year or to a fine.
 - (2) If the defamation is committed in public or in print, writing or a graphic presentation spread by the guilty party or which the guilty party causes to have spread, he shall be sentenced to imprisonment for at least two months and at most one year or to a fine.
-
- 2(1) A person who intentionally, but not contrary to his better knowledge, states that another is guilty of a specific offence or a specific type of offence or of another act that can subject said person to contempt or harm his profession or career, or spreads a rumour about such matters, shall be sentenced, unless he can present probable cause to support the insult or rumour, to a fine or to imprisonment for at most six months.
 - (2) If the defamation is committed in public or in print, writing or a graphic presentation spread by the guilty party or which the guilty party causes to have spread, he shall be sentenced to a fine or to imprisonment for at most one year.
-
- 3(1) A person who in a manner other than that stated above insults another by a derogatory statement, threat or with another degrading act, shall be sentenced for *calumny* to a fine or to imprisonment for at most three months.
 - (2) If the calumny is committed in public or in print, writing or a graphic presentation spread by the guilty party or which the guilty party causes to have spread, he shall be sentenced to a fine or to imprisonment for at most four months.
-
- 3a[13 December 1974/908] A person who unlawfully through the use of the mass media or in another similar manner publicly spreads information, an insinuation or an image of the private life of another person, conducive to causing him damage or suffering, shall be sentenced for *invasion of privacy* to imprisonment for at most two years or to a fine. Publication that deals with a person's behaviour in public office or in a public duty, in professional life, political activity or in other comparable activity, when this is necessary in dealing with a socially important matter, shall not be considered invasion of privacy.
-
- 4(1) A person who defames the memory of a deceased person, contrary to the perpetrator's better knowledge, by falsely stating that this person was guilty of a specific offence or of a specific type of offence or of another act that, were he still alive, could have subjected him to contempt, or spreads a lie or false rumour about such matters, shall be sentenced to imprisonment for at most six months or to a fine.
 - (2) If the person defamed has been dead for twenty years or longer, the right bring charges for defamation shall lapse.
-
- 5(1) A person charged with defamation mentioned in this chapter shall have the right to prove the insult if he offers to prove the specified act, and this demonstration of proof shall take place in connection with the defamation case. However, a witness may also be heard before a court other than the one where the case has been brought, as provided in ch. 17 of the Code of Judicial Procedure.
 - (2) If the insult involves an accusation of an offence for which a final judgement has been given, the insult shall be regarded as proven if the person insulted has been found guilty of the offence, but it shall be regarded as not proven if he has been found not guilty. If charges have been brought for the offence but a judgement

has not yet been given or has not yet become final, the defamation case shall be postponed until such time. If the perpetrator of the insult desires to bring charges or report the offence for the bringing of charges and if he is a complainant or if the offence is subject to public prosecution, then the same shall apply if he proves that the matter was brought before a court within the period set by the court.

(3) If the right to bring charges for the offence has lapsed in accordance with what is provided in ch. 8, this shall not prevent the presentation of proof of the truthfulness of the insult.

6(1) If the person accused of defamation demonstrates the truthfulness of the insult, but it is apparent from the form or the essential circumstances of the insult that it was his desire to insult, then he shall still be sentenced for calumny.

(2) If someone, in order to insult another, has insulted him on the basis of an offence for which said person has already been punished, the former shall also be sentenced for calumny.

7Whoever is sentenced for defamation, calumny or invasion of privacy shall, according to the circumstances, be held liable for compensating the complainant for the publication of the judgement in the Official Gazette or in a local newspaper, should the complainant so demand.

8[13 December 1974/908] The public prosecutor shall not bring charges for defamation, calumny or invasion of privacy unless the complainant has reported the offence for the bringing of charges. However, the Ministry of Justice may order that charges be brought if the offence has been committed through the use of the mass media and if a very important public interest demands that charges be brought. If the memory of a deceased person has been defamed, the spouse, parents, children, brothers and sisters of the deceased shall have the right to bring charges or report the offence for the raising of charges.

Chapter 28: **Theft, embezzlement and unauthorised use**

[24.8.1990/769]

s

1 *Theft* [24.8.1990/769]

(1) A person who appropriates movable property from the possession of another shall be sentenced for *theft* to a fine or to imprisonment for at most one year and six months.

(2) An attempt shall be punished.

2 *Aggravated theft* [24.8.1990/769]

(1) If in the theft

1) the object of the appropriation is very valuable property,

2) the appropriation causes particularly significant loss to the victim of the offence, in the view of the victim's circumstances,

3) the offender takes advantage of the helplessness or dire straits of the victim of the offence,

4) in order to carry out the act, the offender or an accomplice equips himself with a firearm, explosives or another similar dangerous instrument, or

5) the offender breaks into an occupied residence,

and the theft, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated theft* to imprisonment for at least four months and at most four years.

(2) An attempt shall be punished.

3 *Petty theft* [24.8.1990/769]

- (1) If the theft, when assessed as a whole, with due consideration to the value of the appropriated property or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty theft* to a fine.
- (2) An attempt shall be punished.

4 *Embezzlement* [24.8.1990/769]

- (1) A person who appropriates the assets or other movable property of another which are in the possession of the offender shall be sentenced for *embezzlement* to a fine or to imprisonment for at most one year and six months.
- (2) A person who appropriates assets or other movable property that he has found or that have come into his possession through an error shall also be convicted for embezzlement.
- (3) A person who has received funds through a commission or in a similar manner, and who unjustifiably causes a situation in which the liability of account is not fulfilled at the time agreed or otherwise required, by using the said funds which have taken their place or by otherwise acting in a similar manner, shall also be convicted for embezzlement.
- (4) An attempt of the appropriation referred to in (1) above shall be punished.

5 *Aggravated embezzlement* [24.8.1990/769]

- (1) If in the embezzlement
 - 1) the object is very valuable property or a large amount of assets,
 - 2) particularly significant loss is caused to the victim of the offence, in view of the victim's circumstances,
 - 3) the offender takes advantage of his particularly responsible positionand the embezzlement, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated embezzlement* to imprisonment for at least four months and at most four years.
- (2) The provision in s4 on attempt shall apply correspondingly to attempted aggravated embezzlement.

6 *Petty embezzlement* [24.8.1990/769]

If the embezzlement, when assessed as a whole, with due consideration to the value of the appropriated property, the amount of assets unjustifiably used or the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty embezzlement* to a fine.

7 *Unauthorised use* [24.8.1990/769]

- (1) A person who unjustifiably uses the movable property or the non-movable machine or equipment of another shall be sentenced for *unauthorised use* to a fine or to imprisonment for at most one year.
- (2) An attempt shall be punished.

8 *Aggravated unauthorised use* [24.8.1990/769]

- (1) If in the unauthorised use
 - 1) considerable financial benefit is sought or
 - 2) very significant loss or inconvenience is caused to the victim of the offence, with due consideration to the circumstances of the victim,and the unauthorised use, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated unauthorised use* to a fine or to imprisonment for at most two years.
- (2) An attempt shall be punished.

9 *Petty unauthorised use* [24.8.1990/769]

If the unauthorised use, when assessed as a whole, with due consideration to the fact that the offence is not conducive to causing significant loss or inconvenience, or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty unauthorised use* to a fine.

10 *Game offence* [24.8.1990/769]

A person who unjustifiably hunts in the hunting area of another or fishes or otherwise seeks catch in the fishing waters of another or exceeds the hunting or fishing rights that he has on the basis of law, permit, agreement or decision shall be sentenced for a *game offence* to a fine.

11 *Trespass* [24.8.1990/769]

(1) A person who unjustifiably

- 1) takes possession of, moves or hides movable property in the possession of another,
 - 2) takes his way across the yard of another or uses the land in the possession of another through construction, digging or another similar manner, or
 - 3) takes possession of land or a building or a part thereof that is in the possession of another,
- shall be sentenced, unless a more severe penalty for the act is provided elsewhere in law, for *trespass* to a fine or to imprisonment for at most three months.

(2) However, an act causing only minor inconvenience shall not be deemed trespass.

12 *Violation of security right* [24.8.1990/769]

(1) A person who violates the security of lien right of another by

- 1) destroying, damaging, taking possession of, or using his property or
- 2) conveying his property or in another manner disposing of his property,

shall be sentenced for a *violation of security right* to a fine or to imprisonment for at most six months.

(2) A person who commits the offence referred to in (1) on behalf of the owner of the property that is the object of the offence shall also be convicted for a violation of security right.

13 *Definitions* [24.8.1990/769]

- (1) The provisions of this chapter shall also apply if the act is directed against joint property in which the offender has a share.
- (2) The provisions in s1—s6 on movable property shall also apply to electricity or heat that has been transformed into the form of a valuable utility.
- (3) In the application of the provisions in s4—s6 of this chapter, assets that are on the account of another and which the offender has the right to transfer or withdraw shall be deemed to be in the possession of the offender.

14 *Public rights* [24.8.1990/769]

The provisions in this chapter shall not apply, with the exception of lichen and moss, to the gathering of dry twigs from the ground, cones or nuts that have fallen to the ground or wild berries, mushrooms, flowers or other similar natural products on the land of another.

15 *Right to bring charges* [24.8.1990/769]

(1) The public prosecutor shall not bring charges for the offenses referred to in s3 or in s6—s12 unless the complainant has reported an offence for the bringing of charges or unless a very important public interest requires that charges be brought.

(2) The provision in (1) shall also apply to the offenses referred to in s1 and s4 if

- 1) the offender lives in a joint household together with the complainant and the object of the offence is property in the said joint household,
- 2) the object of the offence is property belonging to the spouse, sibling or direct ascendant of the offender, or
- 3) the offender is a party to the estate of a deceased person and the object of the offence is the property of the estate.

Chapter 29: Offences against public finances

[24.8.1990/769]

s

1 *Tax fraud* [24.8.1990/769]

- (1) A person who by giving an authority false information in taxation on a fact that influences the assessment of tax or by concealing such a fact in a return filed for the assessment of tax or by another fraudulent act avoids or attempts to avoid tax shall be sentenced for *tax fraud* to a fine or to imprisonment for at most two years.
- (2) A person who in order to avoid tax, regardless of an exhortation given by an authority, neglects to file a tax return or other notice provided for or required in taxation and thus causes no tax to be assessed or the tax to be underassessed shall also be convicted for tax fraud.

2 *Aggravated tax fraud* [24.8.1990/769]

1 If in the tax fraud

1) considerable financial benefit is sought or

2) the offence is committed in a particularly methodical manner

and the tax fraud, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated tax fraud* to imprisonment for at least four months and at most four years.

3 *Petty tax fraud* [24.8.1990/769]

- (1) If the tax fraud, when assessed as a whole, with due consideration to the amount of financial benefit sought and the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty tax fraud* for a fine.
- (2) If a punitive tax increase is deemed a sufficient sanction, the report of, prosecution for or punishment for petty tax fraud may be waived.

4 *Tax violation* [24.8.1990/769]

(1) A person who, in order to gain financial benefit to himself or another, fails to pay one of the following for a reason other than insolvency:

1) a withholding tax or a tax-at-source;

2) a value-added tax calculated per calendar month or a comparable insurance tax;

3) the balance of a value-added tax; or

4) an employer's social security contribution

shall be sentenced, unless the act is punishable as tax fraud, for a *tax violation* to a fine or to imprisonment for at most six months. [27 May 1994/386]

(2) If a punitive tax increase is deemed a sufficient sanction, the report of, prosecution for or punishment for a tax violation may be waived.

5 *Subsidy fraud* [24.8.1990/769]

A person who

- 1) provides an authority deciding on subsidises false information that is essentially conducive to affecting the granting of a subsidy or the amount or conditions thereof, or
 - 2) neglects to provide information on a change in circumstances that is essentially conducive to affecting the granting of a subsidy or the amount or conditions thereof, and an obligation for the provision of such information has been expressly provided in connection with the decision to grant the subsidy, or otherwise,
- and in this way obtains or attempts to obtain personal financial benefit or financial benefit for another shall be sentenced for *subsidy fraud* to a fine or to imprisonment for at most two years.

6 *Aggravated subsidy fraud* [24.8.1990/769]

If in subsidy fraud the offender seeks considerable benefit and the subsidy fraud, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated subsidy fraud* to imprisonment for at least four months and at most four years.

7 *Subsidy misuse* [24.8.1990/769]

A person who, in violation of the conditions or regulations given in the decision granting a subsidy, uses the subsidy in a manner that is essentially contrary in its intended purposes shall be sentenced for *subsidy misuse* to a fine or to imprisonment for at most two years.

8 *Subsidy violation* [24.8.1990/769]

- (1) If the subsidy fraud, when assessed as a whole, with due consideration to the amount of benefit sought or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for a *subsidy violation* to a fine.
- (2) If the recovery of the subsidy is deemed sufficient, the report of, prosecution of or punishment for a subsidy violation may be waived.

9 *Definitions* [24.8.1990/769]

- (1) In this chapter, a *tax* also refers to an advance tax and a public fee that is comparable with a tax.
- (2) In this chapter, a *subsidy* refers to financial support, granted on the basis of either law or discretion for other than personal consumption, from the funds of the state, a municipality or other public corporation or, in accordance with separate provisions on this in law, from the funds of another corporation or foundation. Also a loan, interest support and security for a loan shall be deemed financial support.
- (3) Subsidy also refers to a state grant or state subsidy to a municipality or federation of municipalities. A decision on the financial capacity classification of a municipality shall be deemed similar to the granting of a subsidy.

10 *Corporate criminal liability* [21 April 1995/743]

The provisions on corporate criminal liability apply to subsidy fraud, aggravated subsidy fraud and subsidy misuse.

Chapter 30: **Trade offenses**

[24.8.1990/769]

s

1 *Marketing offence* [24.8.1990/769]

A person who in the professional marketing of goods, services, real estate, bonds and securities or other commodities gives false or misleading information that is significant from the point of view of the group at

which the marketing is directed, shall be sentenced for a *marketing offence* to a fine or to imprisonment for at most one year.

2 *Unfair competition offence* [24.8.1990/769]

A person who in trade uses a false or misleading expression concerning his own trade or the trade of another and in this way causes loss to another merchant shall be sentenced for an *unfair competition offence* to a fine or to imprisonment for at most one year.

3 *Consumer credit offence* [24.8.1990/769]

A person who in trade, for receivables based on consumer credit, takes an obligation based on a bill of exchange or other security prohibited by ch. 7, s14 of the Consumer Protection Act of uses a draft (“tratta”) in the collection of consumer credit from a consumer or a person living with the consumer in the same household shall be sentenced for a *consumer credit offence* to a fine or to imprisonment for at most one year.

4 *Industrial espionage* [24.8.1990/769]

(1) A person who unjustifiably obtains information regarding the business secret from another

- 1) by entering without permission into a closed space prohibited to unauthorised persons or into an information system prohibited from unauthorised persons,
- 2) by gaining possession of or copying a document or other record or by another comparable manner, or
- 3) by using a special technical device,

with the intention of unjustifiably revealing this secret or unjustifiably utilising it shall be sentenced, unless a more severe penalty for the act is provided elsewhere in law, for *industrial espionage* to a fine or to imprisonment for at most two years.

(2) An attempt shall be punished.

5 *Violation of a trade secret* [24.8.1990/769]

(1) A person who, in order to gain financial benefit for himself or another, or to injure another, unlawfully discloses the trade secret of another or unlawfully makes use of such a trade secret that is in his knowledge

- 1) while in the service of another;
- 2) while acting as a member of the administrative board of directors, the managing director, auditor or receiver of a corporation or a foundation or in comparable duties;
- 3) while performing a duty on behalf of another or otherwise in a business relationship based on trust; or
- 4) in connection with a company restructuring process,

shall be sentenced, unless a more severe penalty for the act is provided elsewhere in law, for *violation of a trade secret* to a fine or to imprisonment for at most two years. [25 January 1993/54]

(2) This section does not apply to an act that a person referred to in (1).1) has undertaken after his period of service has ended.

6 *Misuse of a trade secret* [24.8.1990/769]

A person who unjustifiably

- 1) uses in trade a trade secret that has been obtained or revealed through an act punishable under this Code or
 - 2) in order to obtain financial benefit for himself or another reveals such a secret
- shall be sentenced for *misuse of a trade secret* to a fine or to imprisonment for at most two years.

7 *Bribery in business* [24.8.1990/769]

A person who, to

- 1) a person in the service of a merchant,

- 2) a member of the administrative board or board of directors, the managing director, auditor or receiver of a corporation acting as a merchant or of a foundation engaged in trade or
 - 3) a person carrying out a duty on behalf of a merchant
- promises, offers or gives either to this person or to another, an unlawful benefit (*bribe*) in order to have the bribed person, in his function or duties, favour the giver of the bribe or another person, or to reward the bribed person for such favouring, shall be sentenced for *bribery in business* to a fine or to imprisonment for at most two years.

8 *Acceptance of a bribe in business* [24.8.1990/769]

A person who, when

- 1) in the service of a merchant,
 - 2) a member of the administrative board or board of directors, the managing director, auditor or receiver of a corporation acting as a merchant or of a foundation engaged in trade or
 - 3) carrying out a duty on behalf of a merchant
- demands, accepts or receives a bribe for himself or another for favouring, in his function or duties, the giver of the bribe or another as a reward for such favouring shall be sentenced for *acceptance of a bribe in business* to a fine or to imprisonment for at most two years.

9 *Accounting offence* [24.8.1990/769]

If a person with a legal obligation to keep accounts, his representative or the person entrusted with the keeping of accounts intentionally

- 1) neglects in full or in part the recording of business transactions or the balancing of the accounts,
 - 2) enters false or misleading data into the accounts or
 - 3) destroys, conceals or damages account documentation
- and in this way essentially impedes the obtaining of a true and sufficient conception of the financial result of the business of the said person or of his financial status shall be sentenced for an *accounting offence* to a fine or to imprisonment for at most three years.

10 *Negligent accounting offence* [24.8.1990/769]

If a person with a legal obligation to keep accounts, his representative or the person entrusted with the keeping of accounts, through gross negligence

- 1) neglects in full or in part the recording of business transactions or the balancing of the Accounts or
 - 2) destroys, conceals or damages account documentation
- and in this way essentially impedes the obtaining of a true and sufficient conception of the financial result of the business of the said person or of his financial status shall be sentenced for a *negligent accounting offence* to a fine or to imprisonment for at most two years.

11 *Definition* [24.8.1990/769]

In this chapter a *trade secret* refers to a business or professional secret and to other corresponding information regarding trade that a merchant keeps secret and the revelation of which would be conducive to causing financial loss to him or to another merchant who has entrusted him with the information.

12 *Right to bring charges* [24.8.1990/769]

- (1) Before bringing charges for a marketing offence the public prosecutor shall reserve the consumer ombudsman an opportunity to give a statement in the case. When hearing a case dealing with a marketing offence and an unfair competition offence the court shall reserve the consumer ombudsman an opportunity to be heard.

- (2) The public prosecutor shall not bring charges for an offence referred to in s2 or in s4—s8 unless the complainant reports the offence for the bringing of charges or unless a very important public interest requires that charges be brought.

13 *Corporate criminal liability* [21 April 1995/743]

The provisions on corporate criminal liability apply to marketing offences, unfair competition offences, industrial espionage, misuse of a trade secret and bribery in business.

ch21-30.r1

Chapter 31: **Robbery and extortion**

[24 August 1990/769]

s

1 *Robbery* [24 August 1990/769]

(1) A person who

- 1) through the use or direct threat of violence against a person, appropriates or without authorization takes into use the movable property of another person from the possession of another person, or
- 2) through the use or threat of such violence forces a person to relinquish a financial benefit to which the offender or the person on whose behalf he is acting has no legal right,

shall be sentenced for *robbery* to imprisonment for at least four months and at most six years.

(2) An attempt shall be punished.

(3) A person who is caught in the act of the appropriation or taking into use referred to in (1).1) and, by using the violence or threat referred therein, carries out or attempts to carry out the offence or keeps or attempts to keep the property obtained thereby shall also be convicted for robbery or attempted robbery.

(4) If the act referred to in this section, with due consideration to the pettiness of the violence or of the threat or the other circumstances connected with the act, is not serious when assessed as a whole, the offender shall not be convicted for robbery but for the other offenses which the act incorporates.

2 *Aggravated robbery* [24 August 1990/769]

(1) If, in the robbery

- 1) serious bodily injury, a serious illness or a condition involving mortal danger is intentionally caused to another,
- 2) the offence is committed in a particularly brutal or cruel manner,
- 3) a firearm or edged weapon or a comparable mortally dangerous instrument is used or
- 4) the offence is directed at a person who cannot protect himself or his property due to the work or a task involved with his profession or position

and the robbery, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated robbery* to imprisonment for at least two and at most ten years.

(2) An attempt shall be punished.

3 *Extortion* [24 August 1990/769]

(1) A person who through a threat other than one referred to in s1 forces another to relinquish benefit to which the offender or the person on whose behalf he is acting has no legal right, shall be sentenced for *extortion* to a fine or to imprisonment for at most two years.

(2) An attempt shall be punished.

4 *Aggravated extortion* [24 August 1990/769]

(1) If in the extortion

- 1) a threat is made of a serious offence that would danger the life or health of another or cause considerable damage to the property of another,
 - 2) the offender takes unscrupulous advantage of a special weakness or other insecure state of another,
 - 3) the financial benefit which the other is forced to relinquish is of special value or
 - 4) particularly severe loss is caused to the victim of the offence in view of his circumstances
- and the extortion, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated extortion* to imprisonment for at least four months and at most four years.
- (2) An attempt shall be punished.

Chapter 32: **Receiving stolen property**

[24 August 1990/769]

s

1 Receiving offence [24 August 1990/769]

- (1) A person who hides, procures, takes into his possession or conveys property obtained from another through theft, robbery, extortion, fraud, usury or means of payment offence, or dishonesty by a debtor, aggravated dishonesty by a debtor or deceitfulness of a debtor, or otherwise handles such property even though he knows that the property has been obtained in the said manner shall be sentenced for a *receiving offence* to a fine or to imprisonment for at most one year and six months. [29 April 1994/317]
- (2) A person shall be sentenced for a receiving offence if he
- 1) receives, transforms, conveys or transfers assets or other property which he knows to have been gained through an offence or to replace such assets or property, in order to conceal or launder its illicit origins or to assist the offender in evading the lawful sanctions provided for the offence; or
 - 2) conceals or launders the true nature, origin, location or transactions or rights pertaining to the property referred to in 1), or conceals relevant information that he by law is liable to give. [17 December 1993/1304]

2 Aggravated receiving offence [24 August 1990/769]

If the object of the receiving offence is very valuable property and the receiving offence, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for an *aggravated receiving offence* to imprisonment for at least four months and at most four years.

3 Professional receiving offence [24 August 1990/769]

If the handling of property obtained through an offence, as referred to above in this chapter, is extensive and professional, the offender shall be sentenced for a *professional receiving offence* to imprisonment for at least four months and at most six years.

4 Negligent receiving offence [17 December 1993/1304]

A person who procures, takes possession of or transfers property acquired through the offence referred to in s1(1), or otherwise handles such property, even if he has reason to believe that the property has been acquired in said manner, shall be sentenced for a *negligent receiving offence* to a fine or to imprisonment for at most six months.

5 Receiving violation [24 August 1990/769]

If the receiving offence or negligent receiving offence, when assessed as a whole, with due consideration to the value of the property or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *receiving violation* to a fine.

6 *Restrictive provision* [24 August 1990/769]

- (1) A person who is accessory to the offence through which the property was obtained from another shall not be convicted for the offenses referred to in s1—s5 of this chapter.
- (2) The provisions in this chapter shall not apply to a person living together with the offender in a joint household if this person merely uses or consumes property obtained by the offender for the customary needs of the household.

6a *Forfeiture* [17 December 1993/1304]

Property that has been the object of the offence referred to in s1(2) shall be forfeited to the State. The provision in ch. 2, s16(4) applies to the forfeiture.

7 *Right to bring charges* [24 August 1990/769]

The public prosecutor must not bring charges for a receiving violation unless the complainant reports the offence for the bringing of charges or unless a very important public interest requires that charges be brought.

8 *Corporate criminal liability* [21 April 1995/743]

The provisions on corporate criminal liability apply to receiving offences, aggravated receiving offences and professional receiving offences.

Chapter 33: **Forgery offenses**

[24 August 1990/769]

s

1 *Forgery* [24 August 1990/769]

A person who prepares a false document or other piece of evidence or falsifies such a document or piece of evidence in order for it to be used as misleading evidence or uses a falsified piece of evidence s such evidence shall be sentenced for *forgery* to a fine or imprisonment for at most two years.

2 *Aggravated forgery* [24 August 1990/769]

If in the forgery

- 1) the piece of evidence that is the object of the offence is an archival document stored by an authority or a general register kept by an authority and such a document or register is important from a general point of view or if the piece of evidence otherwise has a particularly significant probative value or
- 2) the offender uses technical equipment obtained for the commission of forgery offenses or otherwise acts in a particularly methodical manner

and the forgery, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated forgery* to imprisonment for at least four months and at most four years.

3 *Petty forgery* [24 August 1990/769]

If the forgery, when assessed as a whole, with due consideration to the nature of the piece of evidence or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty forgery* to a fine.

4 Possession of forgery materials [24 August 1990/769]

A person who without acceptable reason possesses a false or falsified piece of evidence or a device or supplies that can be suspected with probable cause of being primarily used in the commission of forgery offenses shall be sentenced for *possession of forgery materials* to a fine or to imprisonment for at most six months.

5 Falsification of a landmark [24 August 1990/769]

A person who in order to hinder the verification of legally relevant terrain features a false landmark or unjustifiably destroys, alters or moves a landmark denoting a boundary, line or water height, or another comparable landmark, shall be sentenced for *falsification of a landmark* to a fine or to imprisonment for at most two years.

6 Definitions [24 August 1990/769]

- (1) In this Act a *piece of evidence* refers to a document and its facsimile, a mark, a stamp, license plate, audio or video recording, a recording produced by a plotter, calculator or other comparable technical device and a recording that is suitable for data processing, if it is used or can be used as legally relevant evidence of rights, obligations or facts.
- (2) A piece of evidence is false if, when used as evidence, it is conducive to giving a misleading conception of its origin or of the identity of the person who issued it.
- (3) A piece of evidence is falsified if its contents have been unjustifiably altered in respect of a datum that is of relevance in the presentation of evidence.

7 Forfeiture [24 August 1990/769]

- (1) The false and falsified piece of evidence, an object bearing a false stamp or mark and the device or supplies referred to in s4 shall be declared forfeited to the State.
- (2) However, the forfeiture can be waived if there is no reason to suspect that the piece of evidence, object, device or supplies shall be put to criminal use. The court can order that instead of forfeiture the necessary changes shall be made to the piece of evidence, object, device or supplies in order to prevent their criminal use.
- (3) The forfeiture can also be waived or restricted to only a part of the property if the sanction, with due consideration to the circumstances, would be in other respects unreasonable.

Chapter 34: **Endangerment**

[21 April 1995/578]

s

1 *Criminal mischief* [21 April 1995/578]

(1) A person who

- 1) starts a fire;
- 2) blows something up; or
- 3) induces a flood or another natural disaster,

so that the act is conducive to causing general danger to life or health or general danger of very severe financial loss, shall be sentenced for *criminal mischief* to imprisonment for at least four months and at most four years.

(2) A person shall be sentenced for criminal mischief also if he damages or destroys property or unlawfully interrupts the operation of the production, supply or communications channels, so that serious danger is caused to the power supply, general health care, defence, the working of the judiciary or another corresponding important social function.

(3) An attempt shall be punished.

2 *Criminal traffic mischief* [21 April 1995/578]

(1) A person who

- 1) destroys a vehicle or its components, a traffic route, traffic control signal or other traffic apparatus, or damages or alters the same;
- 2) gives false information relating to traffic; or
- 3) employs or threatens violence against a person in a vehicle, an airport or carrying out traffic control duties,

so that the act is conducive to causing general danger to life or health in traffic, and not of minor significance when assessed as a whole, shall be sentenced for *criminal traffic mischief* to imprisonment for at least four months and at most four years.

(2) An attempt shall be punished.

3 *Aggravated criminal mischief* [21 April 1995/578]

(1) If the criminal mischief or criminal traffic mischief is committed

- 1) so that serious danger is caused to the life or health of a great number of people;
- 2) so that, due to the duration or extent of the imminent danger or to another reason, very serious danger is caused to an important social function; or
- 3) in a war or other state of emergency

and the offence is aggravated when assessed as a whole, the offender shall be sentenced for *aggravated criminal mischief* to imprisonment for at least two and at most ten years.

(2) An attempt shall be punished.

4 *Health endangerment* [21 April 1995/578]

(1) A person who

- 1) by poisoning or another comparable manner renders a foodstuff or other substance intended for human consumption or use dangerous to health, or keeps such dangerous substance available to others;
- 2) spreads a dangerous disease;
- 3) operates a radiation source in violation of the Radiation Act (1991/591); or
- 4) uses nuclear power or nuclear waste, or acts in the use of nuclear power, in violation of the Nuclear Power Act (1987/990)

so that the act is conducive to causing general danger to life or health, shall be sentenced for *health endangerment* to imprisonment for at least four months and at most four years.

(2) An attempt shall be punished.

5 *Aggravated health endangerment* [21 April 1995/578]

(1) If the health endangerment is committed so that serious danger is caused to the life or health of a great number of people and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated health endangerment* to imprisonment for at least two and at most ten years.

(2) An attempt shall be punished.

6 *Nuclear device offence* [21 April 1995/578]

(1) A person who imports, produces in Finland or detonates a nuclear device or has one in his possession shall be sentenced for a *nuclear device offence* to imprisonment for at least two and at most ten years.

(2) An attempt shall be punished.

7 *Negligent endangerment* [21 April 1995/578]

- (1) A person who intentionally or negligently commits an act referred to in s1, s2 or s4 shall be sentenced, if the danger referred to in said provision results from the negligence of the offender, for *negligent endangerment* to a fine or to imprisonment for at most one year.
- (2) A person who negligently commits the act referred to in s6 shall also be sentenced for negligent endangerment.
- (3) The prosecution or sentencing for the negligent endangerment referred to in (1) may be waived, if the offender by his own actions removes the danger before essential damage has been caused by the dangerous situation.

8 *Aggravated negligent endangerment* [21 April 1995/578]

If the negligent endangerment is committed so that serious danger is caused to the life or health of a great number of people and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated negligent endangerment* to imprisonment for at least four months and at most four years.

9 *Preparation of endangerment* [21 April 1995/578]

- (1) A person who, in order to commit an offence referred to in s1—s5 has possession of a bomb, other explosives or a dangerous instrument or substance shall be sentenced for *preparation of endangerment* to a fine or to imprisonment for at most two years.
- (2) A person who, in order to commit a nuclear device offence, procures instruments or substances, or formulas or plans used for the production of nuclear devices shall also be sentenced for preparation of endangerment.

10 *False alarm* [21 April 1995/578]

A person who raises false alarm about a bomb, fire, shipwreck, major accident or other comparable distress or danger, so that rescue or safety measures are undertaken or panic rises, shall be sentenced for a *false alarm* to a fine or to imprisonment for at most one year.

11 *Hijacking* [21 April 1995/578]

- (1) A person who by violence or a threat thereof unlawfully
 - 1) influences the piloting of an airborne aircraft or a merchantman at sea; or
 - 2) takes control of an aircraft or a merchantman at sea so that air traffic safety or shipping safety are endangered
 shall be sentenced for *hijacking* to imprisonment for at least two and at most ten years.
- (2) An attempt shall be punished.
- (3) If the hijacking endangers air traffic safety or shipping safety only slightly and the offence, in view of the nature of the violence or threat or the other circumstances, is of minor significance also when assessed as a whole, the offender shall not be sentenced for hijacking but instead for those other offences that the act constitutes.

Chapter 35: **Damage to property**

[24 August 1990/769]

s

1 *Damage to property* [24 August 1990/769]

- (1) A person who unjustifiably destroys or damages the property of another shall be sentenced for *damage to property* to a fine or to imprisonment for at most one year.

(2) Also a person who, in order to cause damage to another, unjustifiably destroys, defaces, conceals or hides data recorded on an information device or other recording shall be convicted for damage to property.

2 *Aggravated damage to property* [24 August 1990/769]

If the damage to property causes

- 1) particularly serious financial loss,
- 2) the victim particularly significant damage with due consideration to his circumstances or
- 3) considerable damage to property that is of special historical or cultural value

and the damage to property, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated damage to property* for at least four months and at most four years.

3 *Petty damage to property* [24 August 1990/769]

If the damage to property, when assessed as a whole, with due consideration to the pettiness of the damage or the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty damage of property* to a fine.

4 *Joint property* [24 August 1990/769]

The provisions in this chapter shall also apply if the act is directed at joint property in which the offender has a share.

5 *Restrictive provision* [24 August 1990/769]

The provisions in this chapter shall not apply if an equally severe or more severe penalty for the act is provided elsewhere in law.

6 *Right to bring charges* [24 August 1990/769]

If the object of the offence referred to in s1 or s3 is solely private property, the public prosecutor must not bring charges unless the complainant has reported it for the bringing of charges.

7 *Waiver of measures* [24 August 1990/769]

The report of, prosecution for or punishment for damage to property and petty damage to property can be waived if the offender has compensated the damage and the compensation is deemed a sufficient sanction.

Chapter 36: **Fraud and other dishonesty**

[24 August 1990/769]

s

1 *Fraud* [24 August 1990/769]

- (1) A person who, in order to obtain unlawful financial benefit for himself or another or in order to harm another, deceives another or takes advantage of an error of another so as to have this person do something or refrain from doing something and in this way causes financial loss to the deceived person or to the person over whose benefits this person is able to dispose, shall be sentenced for *fraud* to a fine or to imprisonment for at most two years.
- (2) A person who, with the intention referred to in (1), by entering false data into a computer or by otherwise interfering with automatic data processing, falsifies the end result of data processing and in this way causes another person financial loss shall also be convicted for fraud.
- (3) An attempt shall be punished.

2 *Aggravated fraud* [24 August 1990/769]

(1) If the fraud

- 1) involves the seeking of considerable benefit,
 - 2) causes considerable or particularly significant loss
 - 3) is committed by taking advantage of special confidence based on a position of trust or
 - 4) is committed by taking advantage of a special weakness or other insecure position of another
- and the fraud, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated fraud* to imprisonment for at least four months and at most four years.

(2) An attempt shall be punished.

3 *Petty fraud* [24 August 1990/769]

If the fraud, when assessed as a whole, with due consideration to the benefit sought or the amount of loss caused or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty fraud* to a fine.

4 *Insurance fraud* [24 August 1990/769]

A person who, in order to obtain unjustified compensation from insurance for himself or another, sets fire to property that is covered by fire insurance, shall be sentenced, unless in order to obtain the compensation from insurance he is guilty of a fraud offence or an attempted fraud offence directed at the same property, for *insurance fraud* to a fine or to imprisonment for at most one year.

5 *Misuse of a position of trust* [24 August 1990/769]

If a person assigned with the management of the financial or legal affairs of another misuses his position of trust

- 1) by undertaking an act to which he has no right or
- 2) by neglecting his function in full or in part

and in this way causes loss to the person whose affairs he should manage, he shall be sentenced for *misuse of a position of trust* to a fine or to imprisonment for at most two years.

6 *Usury* [24 August 1990/769]

(1) A person who, by taking advantage of the financial or other distress, position of dependence, lack of understanding or thoughtlessness of another, in connection with an agreement or other legal act, obtains or requires for himself or another financial benefit that is clearly disproportionate to the remuneration shall be sentenced for *usury* to a fine or to imprisonment for at most two years.

(2) A person who, in the granting of credit, takes or requires for himself or another interest or other financial benefit that considerably exceeds the normal interest taken by banking institutions subject to public supervision, when granting corresponding credit, shall also be convicted for usury.

7 *Aggravated usury* [24 August 1990/769]

If the usury

- 1) involves the seeking of considerable benefit,
- 2) causes considerable or particularly significant loss,
- 3) offender takes unscrupulous advantage of a special weakness or other insecure state of another, or
- 4) offence is committed in a particularly methodical manner

and the usury, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated usury* to imprisonment for at least four months and at most four years.

8 *Right to bring charges* [24 August 1990/769]

- (1) The public prosecutor must not bring charges for petty fraud or the misuse of a position of trust unless the complainant has reported it for the bringing of charges.
- (2) However, the report of the offence for the bringing of charges is not necessary for the misuse of a position of trust if a specially important public interest requires that charges be brought or if the management of the affairs is based on law or the order of an authority or if the offence was committed by an advocate or other person who is subject to public supervision in his functions or in a comparable position.

Chapter 37: **Means of payment offenses**

[24 August 1990/769]

s

1 *Counterfeiting* [24 August 1990/769]

- (1) A person who prepares false money or falsifies money in order to pass it as negotiable or for this purpose imports, procures, receives or transfers to another money that he knows false or falsified shall be sentenced for *counterfeiting* to imprisonment for at least four months and at most four years.
- (2) An attempt shall be punished.

2 *Aggravated counterfeiting* [24 August 1990/769]

- (1) If the counterfeiting
 - 1) involves a considerable amount or face value of false or falsified money or
 - 2) offence is committed in a particularly methodical mannerand the counterfeiting, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated counterfeiting* to imprisonment for at least two and at most ten years.
- (2) An attempt shall be punished.

3 *Petty counterfeiting* [24 August 1990/769]

- (1) If the counterfeiting, when assessed as a whole, with due consideration to the amount and face value of the false or falsified money, the amount of benefit sought or the amount of damage caused or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty counterfeiting* to a fine or to imprisonment for at most two years.
- (2) An attempt shall be punished.

4 *Preparation of counterfeiting* [24 August 1990/769]

A person who for the commission of a counterfeiting offence prepares, imports, procures or receives a device or supplies suitable for the commission of such an offence shall be sentenced for *preparation of counterfeiting* to a fine or to imprisonment for at most two years.

5 *Use of counterfeit money* [24 August 1990/769]

- (1) A person who, after having received false or falsified money as negotiable, transfers it to another in order to have it passed once again although he knows the money to be false or falsified shall be sentenced for *use of counterfeit money* to a fine or to imprisonment for at most one year.
- (2) An attempt shall be punished.

6 *Possession of counterfeit money* [24 August 1990/769]

A person who without acceptable reason possesses false or falsified money shall be sentenced for *possession of counterfeit money* to a fine or to imprisonment for at most six months.

7 *Circulation of imitation money* [24 August 1990/769]

A person who prepares or produces for distribution among the public or distributes among the public a form, mark, picture or other object that is deceptively similar to negotiable money shall be sentenced for *circulation of imitation money* to a fine or to imprisonment for at most one year.

8 *Means of payment fraud* [24 August 1990/769]

- (1) A person who, in order to obtain unjustified financial benefit for himself or another
- 1) uses a bank card, payment card, credit card, cheque or comparable means of payment without the permission of the lawful processor of the means of payment, or in excess of his right based on such permission, or otherwise without lawful right or
 - 2) transfers such a means of payment or means of payment form to another in order to have it used without lawful right

shall be sentenced for *means of payment fraud* to a fine or to imprisonment for at most two years.

- (2) Also a person who, by exceeding the cover of an account or the agreed maximum credit limit, misuses a means of payment referred to in 1) and in this way causes financial loss to another shall be convicted for means of payment fraud, unless when using the means of payment he intended to compensate the loss without delay.

9 *Aggravated means of payment fraud* [24 August 1990/769]

If in the means of payment fraud

- 1) considerable or particularly significant loss is caused or
- 2) the offender has, for the commission of the offence, made or had made means of payment forms from which the means of payment used in the offence was prepared, or if the offence is otherwise committed in a particularly methodical manner

and the means of payment fraud, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated means of payment fraud* to imprisonment for at least four months and at most four years.

10 *Petty means of payment fraud* [24 August 1990/769]

If the means of payment fraud, when assessed as a whole, with due consideration to the amount of benefit sought or the amount of loss caused or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty means of payment fraud* to a fine.

11 *Preparation of means of payment fraud* [24 August 1990/769]

A person who, for the commission of a means of payment fraud, prepares or imports a means of payment form onto which the name or other emblem of the payer institution has been unjustifiably printed, or for the stated purpose prepares, imports, procures or receives a device or supplies suitable for the preparation of such forms shall be sentenced for *preparation of means of payment fraud* to a fine or to imprisonment for at most one year.

12 *Definitions* [24 August 1990/769]

- (1) In this chapter *money* refers to bank notes and coins that are officially negotiable means of payment in Finland or another country.
- (2) The provisions in this chapter on means of payment shall also apply to a bankbook and other certificate of deposit given in exchange for a deposit by a banking institution subject to public supervision.

- (3) In this chapter a *means of payment form* means a printed form or card that is to be filled in to constitute a means of payment and that indicates the name or other emblem of the paying banking or financial institution and that is not freely accessible to the public.

13 *Forfeiture* [24 August 1990/769]

The false or falsified money, the devices and supplies referred to in s4 and s11, the imitation money referred to in s7 and the means of payment form referred to in s11 as well as a means of payment prepared with such a form shall be declared forfeited to the State.

Chapter 38: **Data and Communications Offences**

[21 April 1995/578]

s

1 *Secrecy offence* [21 April 1995/578]

A person who in violation of a secrecy obligation provided by an Act or Decree or specifically ordered by an authority by virtue of an Act

- 1) discloses a circumstance which should be kept secret and which he has learnt by virtue of his position or task or in the performance of a duty; or
- 2) makes use of such a secret for the gain of himself or another

shall be sentenced, unless the act is punishable under ch. 40, s5, for a *secrecy offence* to a fine or to imprisonment for at most one year.

2 *Secrecy violation* [21 April 1995/578]

- (1) If the secrecy offence, in view of the significance of the act as concerns the protection of privacy or confidentiality, or the other relevant circumstances, is minor when assessed as a whole, the offender shall be sentenced for a *secrecy violation* to a fine.
- (2) A person shall also be sentenced for a secrecy violation if he has violated a secrecy obligation referred to in s1 and it is specifically provided that such violation is punishable as secrecy violation.

3 *Message interception* [21 April 1995/578]

(1) A person who unlawfully

- 1) opens a letter or another closed communication addressed to another or by breaking a protection obtains information on the contents of an electronic or other technically recorded message which is protected from outsiders;
- 2) eavesdrops using a special technical device or secretly records the speech of another using a technical device, so that the speech listened to or recorded is not intended to come into his knowledge or the knowledge of other outsiders, and the circumstances are such that the person speaking has had no reason to believe that he is being listened to or recorded; or
- 3) obtains information on the contents of a call, telegram, transmission of text, images or data, or another comparable telemessage or on the transmission or reception of such a message

shall be sentenced for a *message interception* to a fine or to imprisonment for at most one year.

(2) An attempt shall be punished.

4 *Aggravated message interception* [21 April 1995/578]

(1) If in the message interception

- 1) the offender commits the offence by making use of his position in the service of an institution referred to in the Telecoms Act (1987/183) or his other special position of trust;

- 2)the offender commits the offence by making use of a computer program or special technical device designed or altered for such purpose, or otherwise especially methodically; or
- 3)the message that is the object of the offence has an especially confidential content or the act constitutes a grave violation of the protection of privacy

and the message interception is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated message interception* to imprisonment for at most three years.

(2) An attempt shall be punished.

5Interference [21 April 1995/578]

A person who by tampering with the operation of a device used in postal, telecommunications or radio traffic, by mischievously transmitting interfering messages over radio or telecommunications channels or in another comparable manner unlawfully hinders or interferes with postal, telecommunications or radio traffic, shall be sentenced for *interference* to a fine or to imprisonment for at most two years.

6Aggravated interference [21 April 1995/578]

If in the interference

- 1)the offender commits the offence by making use of his position in the service of an institution referred to in the Telecoms Act, a cable operator referred to in the Cable Television Act (1987/307) or a public broadcasting institution, or his other special position of trust;
- 2)the offence hinders or interferes with the radio transmission of distress signals or such other telecommunications or radio transmissions that are made in order to protect human life

and the interference is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated interference* to imprisonment for at least four months and at most four years.

7Petty interference [21 April 1995/578]

If the interference, in view of its nature or extent or the other circumstances of the offence, is of minor significance when assessed as a whole, the offender shall be sentenced for *petty interference* to a fine.

8Computer break-in [21 April 1995/578]

- (1) A person who by using an unauthorized access code or by otherwise breaking a protection unlawfully penetrates into a computer system where data is processed, stored or transmitted electronically or in a corresponding technical manner, or into a separately protected part of such a system, shall be sentenced for a *computer break-in* to a fine or to imprisonment for at most one year.
- (2) A person shall also be sentenced for a computer break-in if he, without penetrating into the computer system or a part thereof, by using a special technical device unlawfully obtains information contained in a computer system referred to in (1).
- (3) An attempt shall be punished.
- (4) This section applies only to acts that are not subject to an equally severe or more severe punishment provided elsewhere in law.

9Data protection offence [21 April 1995/578]

A person who in violation of the Personal Data File Act (1987/471) or the statutes or orders issued on the basis thereof

- 1)files personal data on persons who have no material connection to the operations of the register keeper;
- 2)files sensitive personal data;
- 3)by giving false or misleading information prevents or attempts to prevent a file subject from using the inspection right due to him;

- 4)uses a personal data file or the data therein for a purpose not laid down by law;
- 5)delivers personal data from the file; or
- 6)combines personal data files

and thereby violates the privacy of the file subject or causes him damage or significant inconvenience shall be sentenced for a *data protection offence* to a fine or to imprisonment for at most one year.

10 *Right to bring charges* [21 April 1995/578]

- (1) If the object of a secrecy offence or a secrecy violation is a datum relating to the personal or financial circumstances or the business of an individual, the public prosecutor shall not bring charges for the act, unless the complainant reports it for the bringing of charges or unless the offender has committed the offence in the service of a public postal or telecommunications corporation or unless a very important public interest requires that charges be brought.
- (2) The public prosecutor shall not bring charges for a message interception, aggravated message interception or computer break-in, unless the complainant reports the offence for the bringing of charges or unless the offender has committed the offence in the service of a public postal or telecommunications corporation or unless a very important public interest requires that charges be brought.
- (3) The public prosecutor shall hear the Data Protection Ombudsman before bringing charges for a secrecy offence, secrecy violation, message interception, aggravated message interception or computer break-in, where the object of the offence is a personal data file, or for a data protection offence. When hearing such a case, the court shall reserve the Data Protection Ombudsman an opportunity to be heard.

Chapter 39: Offenses by a debtor

[24 August 1990/769]

s

1 *Dishonesty by a debtor* [24 August 1990/769]

A debtor who, knowing that due to his already existing or expected financial difficulties his act may harm the financial interests of his creditors,

- 1) destroys his property,
- 2) gives away or otherwise surrenders his property without acceptable reason,
- 3) transfers his property abroad in order to place it beyond the reach of his creditors or
- 4) increases his liabilities without basis

and thus becomes insolvent or essentially worsens his state of insolvency shall be sentenced for *dishonesty by a debtor* to a fine or to imprisonment for at most two years.

1a *Aggravated dishonesty by a debtor* [29 April 1994/317]

If in the dishonesty of a debtor

- 1)considerable benefit is sought;
- 2)considerable or especially palpable damage is caused to the creditors; or
- 3)the offence is committed in an especially methodical manner

and the dishonesty by a debtor is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated dishonesty by a debtor* to imprisonment for at least four months and at most four years.

2 *Fraud by a debtor* [24 August 1990/769]

(1) A debtor who, in order to obtain unlawful financial benefit for himself or another in bankruptcy, composition or execution proceedings

- 1)conceals his property,

- 2) reports a liability that is false in full or in part, or based on a sham transaction, or
- 3) gives other false or misleading information on a circumstance that is significant from the point of view of the creditors,

shall be sentenced for *fraud by a debtor* to a fine or to imprisonment for at most two years.

- (2) If the debtor rectifies the misleading information or otherwise prevents the effect of his act on the proceedings before he attests to the correctness of the estate inventory or before the misleading information otherwise affects the proceedings, the act shall not be deemed fraud by a debtor.

3 *Aggravated fraud by a debtor* [24 August 1990/769]

If in the fraud by a debtor

- 1) considerable benefit is sought or
 - 2) the debtor attests in court to the correctness of false or misleading information
- and the fraud by the debtor, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated fraud* by a debtor to imprisonment for at least four months and at most four years.

4 *Deceitfulness by a debtor* [24 August 1990/769]

If the debtor without the intention of gaining benefit commits the act referred to in s2 either intentionally or through gross negligence, he shall be sentenced for *deceitfulness by a debtor* to a fine or to imprisonment for at most one year.

5 *Violation by a debtor* [24 August 1990/769]

If the fraud by a debtor or the deceitfulness by a debtor, when assessed as a whole, with due consideration to the minor significance of the false or misleading information given by the debtor from the point of view of the creditors, or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for a *violation by a debtor* to a fine.

6 *Favouring of a creditor* [24 August 1990/769]

If a debtor who, knowing that he is unable to meet his liabilities, in order to favour a certain creditor at the expense of the other creditors

- 1) pays debt before its maturity in circumstances where the payment is not ordinary,
 - 2) gives, for receivables of a creditor, a pledge that had not been agreed upon or that the debtor had not promised at the time the debt arose,
 - 3) uses an unusual means of payment to meet a liability in circumstances under which the payment cannot be deemed ordinary, or
 - 4) undertakes another similar arrangement that improves the position of the creditor,
- he shall be sentenced for *favouring of a creditor* to a fine or to imprisonment for at most one year.

7 *Offender in an offence by a debtor* [24 August 1990/769]

A person who commits an offence referred to in s1—s6 on behalf of the debtor shall be convicted as if he were the debtor.

8 *Definition* [24 August 1990/769]

The provisions in this chapter on enforcement proceedings shall apply, where appropriate, also to the action by an enforcement authority undertaken in order to ensure enforcement.

9 *Right to bring charges* [24 August 1990/769]

- (1) The public prosecutor must not bring charges for a violation by a debtor or for favouring of a creditor unless the complainant has reported it for the bringing of charges. [29 April 1994/317]
- (2) The complainants in dishonesty by a debtor, aggravated dishonesty by a debtor and favouring of a creditor are the creditors known at the time of the act of the debtor. The complainants in fraud by a debtor, aggravated fraud by a debtor, deceitfulness by a debtor and a violation by a debtor are the creditors participating in the liquidation or enforcement proceedings in question. [29 April 1994/317]
- (3) If a receivership has been appointed for the bankruptcy estate of the debtor in accordance with the Bankruptcy Code, the said receivership shall exercise the right of the complainants to be heard in a case concerning an offence by the debtor. However, an individual creditor has the right to be personally heard on his own behalf.

Chapter 40: **Offenses in office and offenses by an employee of a public corporation**

[8 September 1989/792]

s

1 *Acceptance of a bribe* [8 September 1989/792]

- (1) If a civil servant or an employee of a public corporation, for his actions while in service, for himself or another
 - 1) demands a gift or other unjustified benefit,
 - 2) takes a gift or other benefit which influences, which is intended to influence, or which is conducive to influencing him in the said actions, or
 - 3) accepts the gift or benefit referred to in 2) or a promise or offer thereof,
 he shall be sentenced for *acceptance of a bribe* to a fine or to imprisonment for at most two years.
- (2) A civil servant and an employee of a public corporation shall be convicted for acceptance of a bribe also if he, for his actions while in service, accepts the giving of the gift or other benefit referred to in (1).2) to another, or a promise or offer thereof.
- (3) A civil servant may also be sentenced to removal from office if the offence indicates that he is manifestly unfit for his duties.

2 *Aggravated acceptance of a bribe* [8 September 1989/792]

If in the acceptance of a bribe

- 1) the intention of the civil servant or the employee of a public corporation is, because of the gift or benefit, to act while in service in a manner contrary to his duties to the considerable benefit of the party giving the gift or of another, or to the considerable loss or detriment of another, or
 - 2) the gift or benefit is of significant value
- and the acceptance of the bribe, also when assessed as a whole, is to be deemed aggravated, the civil servant or employee of the public corporation shall be sentenced for *aggravated acceptance of a bribe* to imprisonment for at least four months and at most four years, and a civil servant moreover to removal from office.

3 *Bribery violation* [8 September 1989/792]

If a civil servant or an employee of a public corporation demands, takes or accepts a gift or other benefit intended for himself or another or demands or accepts a promise or offer thereof that is conducive to weakening confidence in the impartiality of the actions of authorities, and the act is not punishable as acceptance of a bribe or as aggravated acceptance of a bribe, he shall be sentenced for a *bribery violation* to a fine or to imprisonment for at most six months.

4 *Forfeiture sanction* [8 September 1989/792]

The gift or benefit that is received or the value thereof shall be declared forfeited to the State from the offender or from the person on whose behalf or in favour of whom the offender has acted.

5 *Breach and negligent breach of official secrecy* [21 April 1995/578]

(1) If a civil servant or an employee of a public corporation intentionally, while in service or thereafter, unlawfully

- 1)discloses a datum which under the provisions on the access to official documents should be kept secret, or another similar datum that he has learnt while in service and not to be disclosed according to an express provision in an Act or Decree or the specific order of an authority issued by virtue of an Act; or

- 2)makes use of such a datum to the benefit of himself or another

he shall be sentenced, unless a more severe penalty for the act is provided elsewhere in law, for *breach of official secrecy* to a fine or to imprisonment for at most two years. A civil servant may also be sentenced to removal from office if the offence indicates that he is manifestly unfit for his duties.

(2) If a civil servant or an employee of a public corporation commits the act referred to in (1) through negligence or carelessness, and the act, in view of its harmful and damaging effects and the other relevant circumstances, is not of minor significance when assessed as a whole, he shall be sentenced, unless a more severe penalty for the act is provided elsewhere in law, for *negligent breach of official secrecy* to a fine or to imprisonment for at most six months.

6 *Unauthorised revelation of a document* [8 September 1989/792]

If a civil servant or an employee of a public corporation intentionally, while in service or thereafter, without authorization

1)reveals information from a document which according to the provisions on the publicity of public documents is not public, or

2)uses such information for his own benefit or for the benefit of another

he shall be sentenced, unless no more severe penalty for the act is provided elsewhere, for *unauthorised revelation of a document* to a fine or to imprisonment for at most one year. A civil servant may also be sentenced to removal from office if the offence indicates that he is manifestly unfit for his duties.

7 *Misuse of an official position* [8 September 1989/792]

(1) If a civil servant, in order to obtain benefit for himself or for another or in order to cause detriment or loss to another

1)violates or neglects to fulfil his official duty, based on the provisions or regulations to be followed in official functions, when participating in making decisions or in the preparation thereof or when using public authority in his other official functions, or

2)misuses his position in respect of a person who is under his command or immediate supervision.

he shall be sentenced for *misuse or an official position* to a fine or to imprisonment for at most two years.

(2) A civil servant may also be sentenced to removal from office if the offence indicates that he is manifestly unfit for his duties.

8 *Aggravated misuse of an official position* [8 September 1989/792]

If in the misuse if an official position

1)considerable benefit is sought, or

2) an attempt is made to cause particularly considerable detriment or loss or

3) the offence is committed in a particularly methodical or unscrupulous manner

and the misuse of an official position, also when assessed as a whole, is to be deemed aggravated, the civil servant shall be sentenced for *aggravated misuse of an official position* to imprisonment for at least four months and at most four years and to removal from office.

9 *Provision on application* [8 September 1989/792]

- (1) The provisions in s7 and s8 of this chapter, with the exception of the sanction of removal from office, shall also be applied to an employee of a public corporation when, in participating in making decisions for the public corporation or institution referred to in ch. 2, s12 or in the planning thereof or when exercising public authority based on his employment in another function he acts in the manner referred to in s7 or s8.
- (2) When assessing the actions of an employee of a public corporation, the provisions and regulations that he should follow in his work shall be taken into consideration instead of the provisions and regulations to be followed in official functions.

10 *Violation of official duties* [8 September 1989/792]

- (1) If a civil servant, when acting in his office, intentionally in a manner other than provided above in this chapter violates or neglects to fulfil his official duties based on the provisions or regulations to be followed in official functions, and the act, when assessed as a whole, taking into consideration its detrimental and harmful effect and the other circumstances connected with the act, is not petty, he shall be sentenced for *violation of official duties* to a fine or to imprisonment for at most one year.
- (2) A civil servant may also be sentenced to removal from office if he is guilty of the offence referred to in (1) by acting continuously or essentially neglecting his official duties, and the offence indicates that he is manifestly unfit for his duties.

11 *Negligent violation of official duties* [8 September 1989/792]

If a civil servant, when acting in his office, through carelessness or incaution, in a manner other than that referred to in s5(2), violates or neglects to fulfil his official duties based on the provisions or regulations to be followed in official functions, and the act, when assessed as a whole, taking into consideration its detrimental and harmful effect and the other circumstances connected with the act, is not petty, he shall be sentenced for a *negligent violation of official duties* to a warning or to a fine.

12 *Offences in military office* [8 September 1989/792]

Also those offences for which a penalty is provided in ch. 45 are offences in office of civil servants subject to military penal provisions.

ch31-40.r

Chapter 41 has been repealed by the Act of 23 December 1970/827.

Chapter 42: Infringement of Regulations Given for State Security and Public Order

s

- 1 [18 October 1939/343] A person who against a prohibition given by the appropriate authority either verbally or through a publicly placed notice or otherwise given in a manner which shall be regarded as having come to his knowledge, gains entrance or attempts to gain entrance for himself or another into a fortress, military harbour, military ship, a national defense office or a barracks, camp, manoeuvres or storage area of the national defense or a factory or other installation operating for the national defense, shall be sentenced,

unless a more severe sentence is decreed elsewhere in law for the act, to a fine or to imprisonment for at most two years.

2[4 July 1944/425] (1) A person who infringes against or attempts to infringe against the instructions on crossing the borders of Finland or by obtaining equipment intended for crossing the border becomes guilty of the preparation of the infringement of said instructions shall be sentenced to a fine or to imprisonment for at most four years.

(2) The same shall apply to complicity in the offence mentioned here.

(3) A foreigner who is guilty of the offence mentioned in this section and who is therefore deported from the country shall not have charges raised against him for this offence unless the authority who has given the decision regarding deportation of this person simultaneously orders that charges shall be raised.

3[Repealed by the Act of 24 August 1990/769]

4 [Repealed by the Act of 4 February 1928/48]

5[4 February 1928/48] A person who in order to mislead a private individual uses the passport, employers' certificate or other similar certificate of another shall be sentenced to a fine.

5a[16 April 1919/44] A person who in public or in company uses a uniform that does not correspond to his rank or position, or a decoration of nobility or honour without being entitled to this shall be sentenced to a fine. If he did so in order to mislead another or an official or if a civilian uses a military uniform without the appropriate authorization, he shall be sentenced to a fine or to imprisonment for at most three months.

6[Repealed by the Act of 8 September 1939/271]

7[21 April 1995/578] A person who on a public road, street or passage or in a public place or a public function or meeting breaches the peace or causes other disturbance by noise or swearing shall be sentenced for *disturbance* to a fine.

8Whosoever practices fortunetelling, conjuring or other similar magic for a fee shall be sentenced to a fine.

Chapter 43: **Infringement of proper behaviour**

s

1[Repealed by the Act of 1 September 1965/492]

2[Repealed by the Act of 1 September 1965/492]

3[Repealed by the Act of 1 September 1965/492]

4(1) A person who keeps a room for gambling or in a restaurant or other public place arranges gambling shall be sentenced to a fine or to imprisonment for at most one year.

(2) The owner or manager of a restaurant or other similar public place who allows gambling there shall be sentenced to a fine and, if the offence gives reason, shall in addition forfeit his licence to have or manage a restaurant or pursue other such professions.

(3) A person who participates in gambling in a place mentioned in (1) or elsewhere shall be sentenced to a fine.

- (4) Money and other objects found on the gambling table or in the gambling bank shall be forfeited.
- (5) The provisions in (1)—(4) do not apply to the operations of licensed casinos, as referred to in the gaming legislation. [15 March 1991/519]

5[Repealed by the Act of 27 January 1971/91]

6[Repealed by the Act of 9 August 1968/491]

7A person who entices a person under eighteen years of age into drinking an alcoholic beverage so that the latter becomes drunk shall be sentenced to a fine.

8The host or manager of an establishment licensed to serve alcoholic beverages who leaves without the necessary care a person who is there found to be so drunk to need care shall be sentenced to a fine and, if the offence so merits, shall in addition lose his license to pursue or manage the sale of alcoholic beverages.

Chapter 44: **Infringement of Regulations Given for the Protection of Life, Health and Property**

s

1[16 April 1919/44] A person who leaves a loaded firearm or explosives, poison or other lethal substance in a place where a child or another person in ignorance may cause damage with it, or otherwise incautiously handles such a firearm or substance, shall be sentenced to a fine.

2[Repealed by the Act of 14 July 1969/491]

3[Repealed by the Act of 1 June 1973/459]

4[16 April 1919/44] (1) A person who unlawfully prepares, offers for sale or otherwise leaves for another poison or other such lethal substance shall be sentenced to a fine or to imprisonment for at most three months.

(2) A person who unlawfully prepares or stores or offers for sale gunpowder or other explosives shall be sentenced to a fine or to imprisonment for at most one year.

(3) The substance prepared or offered for sale or stored without authorization shall be forfeited.

5(1) A person who offers for sale or sells foodstuffs or a beverage which due to spoilage or otherwise to his knowledge is dangerous to health shall be sentenced to a fine.

(2) The goods offered for sale shall be forfeited.

6(1) If someone infringes an instruction given to prevent or restrain a human epidemic, he shall be sentenced to a fine.

(2) A person who infringes against an instruction given to prevent or restrain a domestic animal epidemic shall be sentenced to a fine.

7(1) If someone has as his own or in his care a domestic animal or a wild animal that he knows to be dangerous to people, and if he does not keep it in an enclosed place or closely tied up, he shall be sentenced to a fine and, if there is reason, the animal shall be killed.

8(1) A person who without constraint sets a dog on people or on a beast of burden or another domestic animal shall be sentenced to a fine.

(2) The same shall apply if the owner or caretaker of a dog does not restrain or attempt to restrain a dog from harassing people or domestic animals.

9(1) If someone infringes against an instruction given to prevent the collision of ships he shall be sentenced to a fine or to imprisonment for at most three months.

(2) A person who, while driving a train or otherwise performing a duty essentially affecting train safety, intentionally or negligently breaches train safety regulations and thereby causes danger to the safety or property of another shall be sentenced, unless a more severe penalty for the act is provided elsewhere in law, for *compromising train safety* to a fine or to imprisonment for at most one year. [21 April 1995/578]

10A person who directs or performs construction work, mine, bridge or road construction or suchlike, and does not take the necessary precautions in order to prevent danger to people, or constructs so that such a danger arises, shall be sentenced to a fine or to imprisonment for at most four months.

11A person who in a place where people generally go or next to such a place leaves a cellar, well, hole, hole in the ice or other such hole uncovered, unfenced, or without attention or the necessary sign, so that it forms a danger to others shall be sentenced to a fine.

12(1) If a fault dangerous to passers-by appears in bridge or culvert on a public road or street or on the handrail along a road, and if the fault is not repaired immediately, or if such a fault on a ferry or a raft bridge on a public road is not repaired immediately, or if a winter ice road is not guided around a hole or crack in the ice or a bridge is not put over this hole or crack, the person who should keep the road in repair shall be sentenced to a fine.

(2) If the operation of a general ferry or raft bridge is interrupted, the person who should keep it in operation shall be sentenced to a fine.

13A person who onto a public road, street or market square or next to such a place throws, dumps, hangs or erects something for which another or the building or fence of another may be damaged or become soiled, shall be sentenced to a fine.

14[21 April 1995/578] (1) A person who significantly interferes with the functioning of air, rail or waterway traffic shall be sentenced for *traffic interference* to a fine or to imprisonment for at most six months.

(2) The Road Traffic Act (1981/267) applies to the interference of road and tramway traffic.

15A person who opens the gate or gap in the fence of another and does not close it again shall be sentenced to a fine if the complainant brings charges for the offence or reports it for the bringing of charges.

16[Repealed by the Act of 27 February 1970/150]

17[Repealed by the Act of 27 February 1970/150]

18 (1) If a locksmith opens a lock or makes a key to this lock without the authorization of the person who has the right to open said lock, or if he entrusts a skeleton key or a copy key to a person whom he has reason to suspect, he shall be sentenced to a fine.

(2) If he keeps the skeleton key or copy key carelessly so that another may take it he shall be sentenced to a fine.

19 (1) A vagrant who is found with a skeleton key or a copy key shall be sentenced to a fine.

The same shall apply if an employee, without the authorization of the employer, has a skeleton key, copy key, spare key or passkey to a lock in the charge of the employer.

20(1) If someone in a city, town, village or house handles carelessly a fire or easily flammable material, for example if he himself takes or allows another to take outdoors a lit candle without a lantern, or other fire into an outbuilding or attic, or into a room where easily flammable objects are kept, or builds a fire in an oven or hearth and leaves it untended, or smokes tobacco in a threshing house, granary or other such place, or builds or allows another to build a fire on a fireplace that he knows to be a fire hazard, he shall be sentenced to a fine.

(2) If someone carelessly handles fire on a vessel that contains people or that is in port, the same shall apply.

21A person who without authorization fires a shot or sets off fireworks near habitation or near easily flammable objects shall be sentenced to a fine.

22[22 June 1933/203] (1) A person who lights a fire in a forest or field or in the near vicinity of these and does not fully extinguish it, or has lit a fire there in prevailing high winds or drought and without a compulsive need for the fire, or without authorization or compulsive need lights a fire on property owned or possessed by another, or otherwise handles fire or a glowing object in a manner or under circumstances where a forest fire could thus be ignited, shall be sentenced to a fine.

(2) The same shall apply if someone, where he has no right to do so, clears land for cultivation by burning, or lights a fire for the clearing of land for cultivation without observing the decreed precautions or carelessly tends such a fire.

23[22 June 1933/203] (1) A person who observes or otherwise hears of a blaze that to his knowledge is not known to the fire department, and neglects to inform the fire department personally or through another, or does not immediately hurry to the near-by blaze without waiting for an order, shall be sentenced to a fine.

(2) A person who neglects to pass on a firefighting summons or deliver another general summons to gather people to fight a forest fire when he has been ordered to disseminate or deliver this summons, or unlawfully without a compulsive reason neglects to follow an order delivered to him to join in fighting a fire even though he is obliged to do so, or does not follow the orders of the person directing the firefighting or without a good reason ceases to fight the fire before permission has been granted, shall be sentenced to a fine.

(3) The same shall apply if someone unlawfully neglects to pass on .a general summons that has been initiated in another lawful matter.

24 [Repealed by the Act of 21 April 1995/578]

25 [Repealed by the Act of 14 April 1965/221]

26 [Repealed by the Act of 24 August 1990/769]

27 [Repealed by the Act of 24 August 1990/769]

Chapter 45: **Military Offenses** [25 March 1983/321]

s

Scope of application

- 1[18 June 1993/522] (1) This chapter applies to soldiers.
- (2) Soldiers include the following:
- 1)the regular personnel of the armed forces;
 - 2)conscripts performing armed or unarmed national service and those performing the service referred to in the Act on the Voluntary National Service for Women (1995/194); and [17 February 1995/195]
 - 3)students being trained for regular service in the armed forces.
- (3) The provisions on soldiers apply, as separately provided by law, also to the military personnel of the frontier guard service and the personnel performing the service referred to in the Act on the Participation of Finland in the United Nations' and the European Security and Cooperation Conference's Peacekeeping Operations (1984/514).

- 2 (1) In addition to soldiers, in wartime also the following are subject to the provisions in this chapter:
- 1)those serving in the armed forces in offices and functions other than those referred in s1;
 - 2)those serving in forces or institutions organized on a military basis of the armed forces on the basis of commitment or other than a occasional or short-term employment relationship;
 - 3)those serving in public institutions or traffic or communications installations subjected to military command and
 - 4)those who have been ordered into service in the armed forces or installations organized on a military basis and subjected to military command, when this ordering into service took place as decreed for a general labour duty.
- (2) Those serving in duties corresponding to those duties mentioned in (1) other than in defensive forces are also subject to the provisions of this chapter in wartime, as decreed separately in law.

- 3 (1) A person referred to above in s1 or s2 is subject to military punishment provisions during the period that the service or circumstances referred to in these provisions continues, as determined in greater detail by Decree.
- (2) When it is considered expedient in view of the office or nature of the tasks of a person subject to this chapter, it may be determined by Decree that the military punishment provisions or a part thereof as stipulated in the Decree shall not be applied to him.

Absence without leave and other avoidance of service

- 4(1) A soldier who absents himself without leave from the unit or place where he is to serve or who neglects to arrive at the time ordered shall be sentenced for *absence without leave* to disciplinary punishment or to imprisonment for at most six months.
- (2) If the absence referred to in (1) has lasted at least five days, and it has caused or could have caused an essential interruption of the soldier's training or otherwise been of essential detriment to service, the offender shall be sentenced for *desertion* to imprisonment for at most one year or to disciplinary punishment.
- (3) In wartime a soldier who has been absent at least one day and whose absence has caused essential detriment to service shall be punished for desertion. The offender shall be sentenced for desertion in wartime to imprisonment for at most four years.
- 5 (1) If the desertion in wartime has been conducive to causing particular danger to the unit or its function, the offender shall be sentenced for *dangerous desertion* to imprisonment for at least one and at most ten years.
- (2) An attempt shall be punished.

- 6(1) A soldier who, in order to free himself from service or obtain a leave or other relief from service, injures his health or attempts to do so or with said intent presents false information or otherwise engages in deceit shall be sentenced for *avoidance of service* to imprisonment for at most one year or to disciplinary punishment.
- (2) If the offence referred to in (1) was committed in wartime with intent to avoid service permanently or for a prolonged period of time, or participation in a special combat task, the offender shall be sentenced to imprisonment for at most four years.

Obedience offenses

- 7(1) A soldier who refuses to obey an order given in service by a superior officer or a soldier engaged in guard duties, duty for the day, military order patrol or police duties, or who deliberately leaves said order unfulfilled or delays in fulfilling it, shall be sentenced for *insubordination* to imprisonment for at most one year or to disciplinary punishment.
- (2) If, after having agreed thereupon among themselves, soldiers engage in insubordinate behaviour, the offender shall be sentenced for *joint insubordination* to imprisonment for at most four years or to disciplinary punishment.
- (3) If the insubordination or joint insubordination takes place in wartime, the offender shall be sentenced for insubordination to imprisonment for at most four years or to disciplinary punishment and for joint insubordination to imprisonment for at most six years.

8 If the insubordination or joint insubordination in wartime has been conducive to causing particular danger to the unit or its function, the offender shall be sentenced for *dangerous insubordination* to imprisonment for at least one year and at most ten years.

- 9(1) A soldier who employs violence or the threat of violence in resisting the enforcement of the order given by a superior officer in service or who in said manner forces or attempts to force a superior officer to do something or refrain from doing something or who otherwise assaults a superior officer while the latter is in service or, due to an act of the superior officer performed in service, shall be sentenced for *violent resistance of a superior officer* to imprisonment for at most four years or to disciplinary punishment.
- (2) If soldiers together violently resist a superior officer in a manner mentioned in (1), the offender shall be sentenced for *joint violent resistance of a superior officer* to imprisonment for at most four years.
- (3) If the violent resistance referred to above in this section takes place in wartime, the offender shall be sentenced for violent resistance of a superior officer to imprisonment for at most six years and for joint violent resistance of a superior officer to imprisonment for at least six months and at most six years.
- (4) If the offence mentioned in (1), (2) or (3) is directed against a guard, a soldier engaged in duty for the day or military order patrol or police duties, the offender shall be sentenced as decreed in said paragraph.

10 If the violent resistance in time of war referred to in 9 is conducive to causing particular danger to the unit or its function, the offender shall be sentenced for *dangerous violent resistance of a superior officer* to imprisonment for a determinate period of at least four years, or to life imprisonment.

11 If a soldier obstructs a superior officer who is in service or a soldier engaged in guard duties, duty for the day or military order patrol or police duties, he shall be sentenced, unless more severe punishment is decreed elsewhere for the act, for *obstructing a superior officer* to disciplinary punishment or imprisonment for at most three months.

Offenses by a superior officer

- 12 If a disciplinarian deliberately sentences an innocent person to disciplinary punishment or correction, he shall be sentenced for *punishment of an innocent person* to imprisonment for at most two years.
- 13 (1) If a superior officer, through deliberate misuse of his authority, causes a subordinate suffering or danger to his health that is unnecessary from the point of view of service, or treats a subordinate in a humiliating manner, the superior officer shall be sentenced for *misuse of superior position* to imprisonment for at most two years or to disciplinary punishment.
- (2) A superior officer who orders a subordinate to perform work which does not form part of service or training, unless this takes place with the consent of the subordinate during the leisure time of said subordinate and for adequate compensation, shall be sentenced as decreed in (1).
- 14 A superior officer who accepts, for himself or another, a loan of money or other property, a personal pledge or another comparable commitment from a conscript or another soldier subject to his direct authority, shall be sentenced for *unauthorised acceptance of a loan* to disciplinary punishment.

Offenses in service

- 15 (1) A person who intentionally breaches or omits to fulfil a duty that is part of his service, or fails to heed the regulations or other orders pertaining to his service or military order, shall be sentenced, unless the act is specifically punishable by virtue of ch. 40, s1—s3 or s5, or this chapter, for a *service offence* to disciplinary punishment or to imprisonment for at most one year. [8 September 1989/792]
- (2) If the offence in service is minor or if the violation of or neglect to obey a service duty, an order contained in an ordinance or other orders was due to carelessness or incaution, the offender shall be sentenced for a *service infraction* to disciplinary punishment or imprisonment for at most three months.
- 16 If the purpose of the service offence was to obtain considerable gain or cause substantial damage or if the offence was committed in the performance of a particularly responsible duty, and the act in the above mentioned or in other cases, taking into consideration the circumstances leading to and manifested in the offence as a whole, is to be considered aggravated, the offender shall be sentenced for an *aggravated service offence* to imprisonment for at most four years.
- 17 (1) A soldier on guard duty or duty for the day who leaves his guard post or duties for the day without permission, or a soldier who does not arrive in said service duties or who otherwise deliberately neglects to fulfil or deliberately violates the orders given on guard duty or duty for the day shall be sentenced for a *guard offence* to imprisonment for at most two years or to disciplinary punishment.
- (2) If the guard offence taking into consideration the nature of the guard duty or duty for the day or other circumstances, is to be regarded as minor or if the offence referred to in (1) has been committed through carelessness or incaution, the offender shall be sentenced for a *guard infraction* to disciplinary punishment or to imprisonment for at most six months.
- (3) If the guard offence takes place in wartime, the offender shall be sentenced to imprisonment for at most four years.
- 18 If the departure without permission in time of war from a guard post or duty for the day or the neglect to come to said duties is conducive to endangering a particularly important object or to causing particular danger to

the unit or its function, the offender shall be sentenced for a *dangerous guard offence* to imprisonment for at least one and at most ten years.

19A soldier who deliberately endangers the fulfilment of a combat task or neglects or violates his particular combat duty, thus endangering the fulfilment of the combat task, shall be sentenced for *violation of combat duty* to imprisonment for at most four years.

20(1) If the violation of combat duty is conducive to causing particular danger to the unit or its function, the offender shall be sentenced for *dangerous violation of combat duty* to imprisonment for at least one and at most ten years.

(2) A soldier who in wartime deserts to the side of the enemy or without a compulsive reason surrenders to the enemy shall be sentenced, unless the act constitutes aggravated high treason or an attempt thereof, for *wartime desertion* to imprisonment for at least two and at most ten years. [21 April 1995/578]

(3) An attempt of the offence referred to above in (2) shall be punished.

Conspiracy for the commission of a dangerous military offence

21 If several soldiers agree among themselves on the commission of a dangerous military offence referred to above in s5, s8, s10, s18 or s20 of this chapter, the offender shall be sentenced for *conspiracy for the commission of a dangerous military offence*, the instigator and leader to imprisonment for at most four years and other participants to imprisonment for at most one year or disciplinary punishment.

Discipline offenses

22 If a soldier in a service duty is so intoxicated by alcohol or another intoxicant that his ability to fulfil his duty is decreased, he shall be sentenced for *intoxication on duty* to disciplinary punishment or imprisonment for at most three months.

23 If a soldier other than in the case mentioned in s22 appears obviously intoxicated in the barracks area or in another area used by the armed forces, in a public place or at a public occasion, or by noise-making or through his other behaviour in similar circumstances or while on duty causes a disturbance or gives offense, he shall be sentenced for *conduct unbecoming* to disciplinary punishment.

24 When soldiers together disturb public order or security, the offender shall be sentenced, unless more severe punishment is elsewhere decreed for the act, for *indiscipline* to disciplinary punishment or imprisonment for at most one year.

25 If a soldier confined to the guardhouse leaves the guardhouse without permission or violates a restriction on his movement relating to the confinement, or if a soldier who has been ordered confined to barracks violates this confinement, he shall be sentenced, unless more severe punishment is decreed elsewhere for the act, for an *enforcement infraction* to disciplinary punishment.

26(1) A soldier who, without the permission of a superior officer, participates in a public occasion or other meeting of a political party or of an association engaged in or supporting activity related to party politics by giving lectures or presentations or expressing his opinion on matters related to party politics, shall be sentenced for *unauthorized political activity* to disciplinary punishment.

- (2) If a soldier, other than a conscript, in the armed forces or the border guard is a member of a political party or an association referred to in (1), he shall be sentenced to punishment as decreed in said paragraph.

Provisions regarding prisoners of war

27A prisoner of war is subject to the provisions of this chapter governing soldiers, taking into consideration what is decreed in s28 and s29 and what is ordered in international agreements which are binding upon Finland.

28(1) A prisoner of war who escapes or attempts to escape shall be sentenced for *escaping as a prisoner of war* to disciplinary punishment.

(2) A prisoner of war who promotes the escape of another prisoner of war shall be sentenced for *promotion of the escape of a prisoner of war* to disciplinary punishment.

(3) A prisoner of war who has succeeded in escaping to his own forces or to a neutral country but who is then recaptured shall no longer be sentenced for an earlier offence he has committed referred to in this section.

29For an offence a prisoner of war has committed during his escape or attempted escape only in order to facilitate the escape and which does not involve violence directed at a person, he shall be sentenced only to disciplinary punishment.

Chapter 46: Regulation offences and smuggling

[24 August 1994/769]

s

1[29 December 1994/1522] (1) A person who violates or attempts to violate a regulation order provided in, or issued by an authority on the basis of,

1)the Act on the Fulfilment of Certain Obligations of Finland as a Member of the United Nations (1967/659);

2)the Act on the Security of the Foreign Trade and Economic Growth of the Nation (1974/157);

3)the Foreign Exchange Act (1985/954);

4)[implicitly repealed]

5)the Price Freeze Act (1988/717)

6)the Preparedness Act (1991/1080);

7)the Act on the Adoption and Application of the Agreement on the International Energy Programme (1991/1682);

8)the Act on Foreign Trade Administration and the Supervision and Protection Measures Applicable in Certain Situations (1994/1521); or

9)a regulation order provided in, or issued on the basis of, an EC import or export Regulation shall be sentenced for a *regulation offence* to a fine or to imprisonment for at most two years.

2*Aggravated regulation offence* [24 August 1990/769]

If in the regulation offence

1)considerable financial benefit is sought;

2)the offence is in some area or in the entire country conducive to causing considerable danger to the livelihood of the population, the functioning of the national economy or the economic defensive preparedness of the nation; or

3)the offence is committed in a particularly methodical manner

and the regulation offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated regulation offence* to imprisonment for at least four months and at most four years.

3 *Petty regulation offence* [24 August 1990/769]

If the regulation offence, when assessed as a whole, with due consideration to the amount of benefit sought or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for a *petty regulation offence* to a fine.

4 *Smuggling* [24 August 1990/769]

(1) A person who without the appropriate permission or otherwise in violation of the provisions or regulations on import or export imports, exports or attempts to import or export goods, the import or export of which is prohibited or requires the permission or inspection of an authority shall be sentenced for *smuggling* to a fine or to imprisonment for at most two years.

(2) However, the violation of a provision or regulation on import or export referred to in s1—s3 shall not be deemed smuggling.

5 *Petty smuggling* [24 August 1990/769]

If the smuggling, when assessed as a whole, with due consideration to the value or quantity of goods or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for *petty smuggling* to a fine.

6 *Unlawful dealing in imported goods* [24 August 1990/769]

A person who hides, procures, takes into his possession or conveys property, the import of which involved an offence referred to in s1—s5, or ch. 29, s1—s3, or in another manner handles such property, although he knows that the property was imported in the said manner shall be sentenced for *unlawful dealing in imported goods* to a fine or to imprisonment for at most six months.

7 *Restrictive provision* [24 August 1990/769]

(1) The minor neglect of an obligation to report something or to provide information and another minor violation of a procedural provision shall not be deemed an offence referred to in s1—s5 of this chapter.

(2) A person who is accessory to an offence committed in the import of goods shall not be convicted for dealing in the said unlawfully imported goods.

(3) s6 of this chapter does not apply to a person living together with the offender in a joint household if this person merely uses or consumes property obtained by the offender for the customary needs of the household.

8 *Forfeiture* [24 August 1990/769]

(1) Property that has been the object referred to in s1—s5 (*object of an offence*) shall be declared forfeited to the State in so far as forfeiture is necessary

1) in order to ensure the purposes of regulation;

2) in order to prevent new and comparable offences against the property; or

3) because of the features of the property that are dangerous to health or the environment.

(2) A container, packaging or other object that has been used for the storage of the object of an offence declared forfeited may also be declared forfeited if the forfeiture cannot otherwise be enforced without difficulty.

(3) A means of transport that has been used for an offence referred to in s1—s6 or for the tax fraud referred to in s6 and to which structural changes have been made in order to simplify the concealment of the object of the offence or otherwise to promote the commission of the offence may be declared forfeited to the State.

Also other means of transport may be declared forfeited if they have been principally used for the commission of such an offence.

9Restrictions on forfeiture [24 August 1990/769]

An object of an offence, storage device or means of transport shall not be declared forfeited if it belongs in full or in part to a person other than the offender, an accessory to the offence or the person on whose behalf or with whose consent the offence was committed. However, property may be declared forfeited from a person to whom the property was transferred after the offence was committed if he had at the time of reception of the property known of the offence.

10Forfeiture of value [24 August 1990/769]

- (1) If the property to be forfeited under s8 cannot be declared forfeited due to the restriction provided in s9 or because the property has been concealed or destroyed in order to avoid the forfeiture, the offender and an accessory to the offence may be ordered to have forfeited, instead of the property, its value either in full or in part. Similarly, a person on whose behalf or with whose consent the offence was committed as well as a person who has transferred the property after having received it with knowledge of the commission of the offence or who has concealed or destroyed the property in order to avoid forfeiture may also be declared to have forfeited the value of the property.
- (2) In ordering forfeiture of value, due consideration shall be given, separately for each defendant, to the culpability indicated by the offence, the financial standing of the defendant and the other circumstances.
- (3) If two or more persons are ordered to have forfeited the value of the same property because of an offence referred to in this chapter, they shall be jointly and severally liable for the same. However, a person who has not been declared to have forfeited the full value shall be liable only for the amount declared forfeited.

11Adjustment of forfeiture [24 August 1990/769]

If, with due consideration to the nature of the offence and other circumstances, the forfeiture would be unreasonable, forfeiture shall not be declared or the value of the property or only a part of the property or its value shall be declared forfeited.

12Procedural provision [24 August 1990/769]

The forfeiture referred to in this chapter may be applied to a person on whose behalf or with whose consent the offence referred to in s1—s6 has been committed as well as to a person who has known of such an offence and to whom the property has been transferred after the commission of the offence even though no charges have been brought against him or against the offender, or the offender has not been sentenced to a punishment.

13Reference provision [24 August 1990/769]

Unless otherwise provided in s8—s12, the provisions in ch. 2, s16 apply. Also ch. 2, s16(4) applies to the object of an offence that has been declared forfeited.

14 Corporate criminal liability [21 April 1995/743]

The provisions on corporate criminal liability apply to regulation offences, aggravated regulation offences and smuggling.

s

1 *Work safety offence* [21 April 1995/578]

(1) An employer, or a representative thereof, who intentionally or negligently

1) violates work safety regulations; or

2) causes a defect or fault that is contrary to work safety regulations or enables the continuation of a situation contrary to work safety regulations by failing to monitor compliance with them in work that he supervises, or by failing to provide for the financial, organisational or other prerequisites for work safety

shall be sentenced for a *work safety offence* to a fine or to imprisonment for at most one year.

(2) The provisions in ch. 21, s8—s11 and s13 apply to the punishment of negligent homicide, negligent injury and imperilment. [21 August 1995/1010]

2 *Working hours offence* [21 April 1995/578]

An employer, or a representative thereof, who intentionally or grossly negligently,

1) to the detriment of the employee fails to keep working hours or annual leave accounts, keeps them erroneously, alters, conceals or destroys them or renders them impossible to read; or

2) proceeds in a manner punishable under the working hours or annual leave legislation despite an exhortation, order or prohibition issued by the work safety authorities

shall be sentenced for a *working hours offence* to a fine or to imprisonment for at most six months.

3 *Work discrimination* [21 April 1995/578]

An employer, or a representative thereof, who when announcing a vacancy, selecting an employee or during the employment without an important and justifiable reason puts a jobseeker or an employee in an inferior position

1) because of race, national or ethnic origin, colour, language, gender, age, relations, sexual preference or state of health; or

2) because of religion, political opinion, political or industrial activity or a comparable circumstance

shall be sentenced for *work discrimination* to a fine or to imprisonment for at most six months.

4 *Violation of the rights of an employee representative* [21 April 1995/578]

An employer, or a representative thereof, who without a reason based on law or a collective bargaining agreement dismisses, otherwise severs or puts on compulsory unpaid leave an employee representative, a work safety trustee or a personnel representative referred to in the Personnel Representation Act (1990/725), or puts him on part time, shall be sentenced, unless the act is punishable as work discrimination, for *violation of the rights of an employee representative* to a fine.

5 *Violation of the right to organise* [21 April 1995/578]

(1) An employee, a representative thereof or an employee who prevents

1) an employee from establishing a lawful industrial or political association or using his right to join or belong to it or to participate in its activities; or

2) the employees or their industrial organisations from appointing or electing an employee representative, work safety trustee or personnel representative

shall be sentenced for *violation of the right to organise* to a fine.

(2) A person who forces an employee to join or belong to an industrial or political association shall also be sentenced for violation of the right to organise.

(3) An attempt shall be punished.

6 *Employment agency offence* [21 April 1995/578]

- (1) A person who for employment agency services aiming directly at employment charges a fee from individual customers, or charges a fee for seamen's employment agency services, shall be sentenced for an *employment agency offence* to a fine or to imprisonment for at most one year.
- (2) A person who in violation of a prohibition of the work safety authorities continues the hiring out of workers abroad or the pertinent advertising.

7 *Allocation of liability* [21 April 1995/578]

A person whose responsibility the commission or omission is shall be sentenced for the conduct of an employee or a representative thereof, which is punishable under this chapter. In the allocation of liability due consideration shall be given to the position of that person, the nature and extent of his duties and competence and also otherwise his participation in the arising and continuation of the situation that is contrary to law.

8 *Definitions* [21 April 1995/578]

(1) In this chapter

- 1) *an employer* means one that in an employment relationship, a civil service relationship or a comparable service relationship in a public corporation has work done, and one who in reality uses the power of decision of an employer;
 - 2) *a representative of an employer* means a member of a statutory or other decision-making body of a legal person and one who on the behalf of the employer direct or supervises the work;
 - 3) *an employee* means one who is in an employment relationship, a civil service relationship or a comparable service relationship in a public corporation with the employer; and
 - 4) *work safety regulations* means the provisions contained in, or issued on the basis of, the Work Safety Act (1958/299), the Occupational Health Act (1978/743) or another act governing work safety, and pertaining to work safety or occupational health or the general rules to protect the health of others.
- (2) The provisions in s1 and s7 on the liability of an employer and a representative thereof apply correspondingly to the other work providers and their representatives referred to in s1 and s2 of the Work Safety Act, to persons referred to in s4 of the same Act and to the persons and their representatives referred to in s5 and s6 of the Act.

Chapter 48: **Environmental Offences**

[21 April 1995/578]

s

1 *Impairment of the Environment* [21 April 1995/578]

- (1) A person who, deliberately or through gross negligence,
- 1) introduces, emits or disposes into the environment an object, a substance, radiation or suchlike in defiance of law, a provision based on law, a specific or a general regulation, or without a permit or in defiance of the condition of the permit,
 - 2) produces, conveys, transports, uses, handles or stores a substance, a product or a good in defiance of a general regulation based on the Air Pollution Control Act (1982/67) or a provision referred to in s60(1) of the Waste Act (1993/1072) or a specific or a general regulation based on the same, or neglects his duty to organise waste management, as provided for in the Waste Act, or
 - 3) imports, exports or transports through the territory of Finland a substance or a product in defiance of the Waste Act, a general or a specific regulation based thereon, or in the manner referred to in s26(1) of

the Waste Transport Decree, as referred to in s45(1) of the Waste Act, or imports the same in defiance of a general regulation based on the Air Pollution Control Act, so that the act is conducive to causing a danger of the spoiling or littering of the environment or a health hazard, shall be sentenced for *impairment of the environment* to a fine or to imprisonment for at most two years.

(2) The attempt of an intentional offence referred to in (1).3 above shall be punished.

(3) A sentence for impairment of the environment shall likewise be passed on a person who, deliberately or through gross negligence, in a manner other than those referred to in (1), undertakes to alter the environment in defiance of the provisions of the Protection Forest Act (196/22), the Building Act (370/58), the Water Act (264/61) or the Land Extraction Act (555/81), or of the Drainage Rules of the Saimaa/Vuoksi Water System, or of provisions or general or specific regulations based on the same, or of a plan or a permit, so that the act is conducive to causing an alteration comparable to the spoiling of the environment. [21 August 1995/1010]

2 *Aggravated Impairment of the Environment* [21 April 1995/578]

(1) If, in the impairment of the environment,

1) the damage or danger of damage caused to the environment or health is especially great, with regard to the long duration, wide effect and other circumstances of the realised or imminent damage, or

2) the offence is committed in defiance of an order or a prohibition of an authority, as issued on the basis of conduct referred to in s1

and the offence, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for *aggravated impairment of the environment* to imprisonment for at least four months and at most six years.

(2) The provision on attempt in s1 applies correspondingly to attempt.

3 *Environmental Misdemeanour* [21 April 1995/578]

(1) If the impairment of the environment, with regard to the minor nature of the danger or damage caused to the environment or health, or the other circumstances of the offence, is, when assessed as a whole, to be deemed minor, the offender shall be sentenced for an *environmental misdemeanour* to a fine or to imprisonment for at most six months.

(2) A sentence for an environmental misdemeanour shall likewise be passed on a person who, deliberately or through gross negligence, defies the regulations based on s9, s10 or s15 of the Noise Abatement Act (1987/382) or neglects to make a notification referred to in s13 of the said Act.

(3) A sentence for an environmental misdemeanour shall likewise be passed on a person who neglects the duty to apply for an environmental permit, as referred to in the Environmental Permit Procedures Act (735/91), unless the act is punishable as impairment of the environment.

4 *Negligent Impairment of the Environment* [21 April 1995/578]

A person who, through negligence not to be deemed gross,

1) affects the environment in a manner referred to in s1(1).1), or (2), or

2) defies the Waste Act or Air Pollution Control Act or the provisions or regulations based thereon in a manner referred to in s1(1).2) or 3)

so that the damage or danger of damage caused to the environment or health is especially great, with regard to the long duration, wide effect and other circumstances of the realised or imminent damage, shall be sentenced for *negligent impairment of the environment* to a fine or to imprisonment for at most one year.

5 *Nature Conservation Offence* [21 April 1995/578]

(1) A person who, deliberately or through gross negligence,

- 1)unlawfully destroys or impairs an area, an animal, a plant or another natural object protected by the Nature Conservation Act (1923/71) or by a provision or regulation based thereon or set under a measures ban, or
- 2)in defiance of the Nature Conservation Act or a provision or regulation based thereon, removes from its environment, imports or exports an object, or conveys, purchases or receives an object so removed, imported or exported,

shall be sentenced for a *nature conservation offence* to a fine or to imprisonment for at most two years.

- (2) A sentence for a nature conservation offence shall likewise be passed on a person who, deliberately or through gross negligence, uses a Finnish vessel in whaling or defies the import ban in s2 or the protection provision or acquisition ban in s3 of the Whale Protection Act (1982/1112).
- (3) However, an act of minor significance with regard to nature conservation shall not be deemed a nature conservation offence.
- (4) A deliberate attempt shall be punished.

6 *Building Protection Offence* [21 April 1995/578]

- (1) A person who, deliberately or through gross negligence, demolishes, destroys or impairs an object of a built environment, which
 - 1)has been protected by the Building Act or a regulation based thereon, or
 - 2)has been protected or set under a measures ban on the basis of the Act on the Protection of Buildings (1985/60),

shall be sentenced for a *building protection offence* to a fine or to imprisonment for at most years.

- (2) A sentence for a building protection offence shall likewise be passed on a person who, deliberately or through gross negligence, demolishes, destroys or impairs a movable relic or wreck or a part thereof, as referred to in the Act on Cultural Heritage (1963/295), without a permit or in defiance of the conditions of the permit.
- (3) A deliberate attempt shall be punished.

7 *Allocation of Liability* [21 April 1995/578]

A sentence for conduct penalised in this chapter shall be passed on the person of whose duties the act or negligence is to be deemed a breach. In assessing the same, due regard shall be given to the nature and extent of the assignment and competence of the person concerned, and also his participation in the creation or sustenance of an unlawful state of affairs.

8*Statute of limitations* [21 April 1995/578]

The minimum statute of limitations for environmental offence other than environmental misdemeanours shall be ten years.

9*Corporate criminal liability* [21 April 1995/578]

The provisions on corporate criminal liability apply to the offences referred to in this chapter.

Chapter 49: **Violation of Certain Incorporeal Rights**

[21 April 1995/578]

s

1*Copyright offence* [21 August 1995/1010]

- (1) A person who for profit and in violation of the Copyright Act (1961/404) and in a manner conducive to causing considerable inconvenience or damage to the rightholder, breaches the right of another to
 - 1)a literary or artistic work;

- 2) the performance of a literary or artistic work;
- 3) a record or other device where sound has been recorded;
- 4) a film or other device where moving images have been recorded;
- 5) a television or radio broadcast;
- 6) a register, table, program or another similar work referred to in the Copyright Act and containing the compilation of a lot of information; or
- 7) a photograph

shall be sentenced for a *copyright offence* to a fine or to imprisonment for at most two years.

- (2) A person shall also be sentenced for a copyright offence if he for profit and in a manner conducive to causing considerable inconvenience or damage to the rightholder, imports for the purpose of dissemination a sample or a copy of a work or photograph, a record, film or other device or a register, table, program or another similar work containing the compilation of a lot of information, as referred to in (1), while knowing that it has been produced or copied in circumstances under which said production or copying would in Finland be punishable under (1) or s56a of the Copyright Act.

2 *Intellectual property offence* [21 April 1995/578]

A person who in violation of the Trademark Act (1964/7), the Patents Act (1967/550), the Registered Designs Act (1971/221), the Act on the Protection of Semiconductor Topographies (1991/32), the Utility Models Act (1991/800) or the Plant Variety Rights Act (1992/789) and in a manner conducive to causing considerable financial loss to the rightholder, breaches

- 1) the right to a trademark;
- 2) the exclusive right conferred by a patent;
- 3) the right to a registered design;
- 4) the right to a semiconductor topography;
- 5) the right to a utility model; or
- 6) a plant variety right

shall be sentenced for an *intellectual property offence* to a fine or to imprisonment for at most two years.

3 *Right to bring charges* [21 April 1995/578]

The public prosecutor shall not bring charges for offences referred to in this chapter, unless the complainant reports it for the bringing of charges or unless a very important public interest requires that charges be brought.

Chapter 50: **Narcotics Offences**

[17 December 1993/1304]

s

1 *Narcotics offence* [17 December 1993/1304]

A person who unlawfully

- 1) produces or attempts to produce a narcotic substance or cultivates opium poppy, coca or cannabis for use as a narcotic substance or the raw material for a narcotic substance,
- 2) imports or attempts to import or exports or attempts to export a narcotic substance, or transports it or has it transported,
- 3) sells, supplies, conveys or otherwise distributes or attempts to distribute a narcotic substance or
- 4) possesses or attempts to obtain a narcotic substance or uses it,

shall be sentenced for a *narcotics offence* to a fine or to imprisonment for at most two years.

2 *Aggravated narcotics offence* [17 December 1993/1304]

If in the narcotics offence

- 1) the object of the offence is an extremely dangerous narcotic substance or a large quantity of narcotic substance,
- 2) a substantial financial profit is sought,
- 3) the offender acts as a member of a group organised for the extensive commission of such an offence,
- 4) a serious danger is caused to the life or health of several people or
- 5) the narcotic substance is distributed to minors or in an otherwise unscrupulous manner

and the narcotics offence, also when assessed as a whole, is to be deemed aggravated, the offender shall be sentenced for an *aggravated narcotics offence* to imprisonment for at least one and at most ten years.

3 *Preparation of a narcotics offence* [17 December 1993/1304]

A person who, in order to commit an offence referred to in s1.1)—3), produces, imports, obtains or receives an implement, equipment or material suitable for the commission of such an offence, shall be sentenced for *preparation of a narcotics offence* to a fine or to imprisonment for at most two years.

4 *Abetment of a narcotics offence* [17 December 1993/1304]

A person who

- 1) for the unlawful production, cultivation, import or export of a narcotic substance produces, transports, conveys or supplies implements, equipment or materials with the knowledge that they will be so used, or
- 2) by lending assets or by another means of financing abets a narcotics offence or the preparation thereof or the activity referred to in 1) with the knowledge that the financing will be so used,

shall be sentenced, unless the act is punishable as complicity to a narcotics offence or an aggravated narcotics offence, for *abetment of a narcotics offence* to a fine or to imprisonment for at most two years.

5 *Definitions* [17 December 1993/1304]

- (1) A *narcotic substance* shall in this chapter mean a narcotic substance as referred to in the Narcotic Substances Act 1993/1289).
- (2) An *extremely dangerous narcotic substance* shall mean a narcotic substance, when its use may cause death by overdose, serious damage to health even when short-term, or difficult withdrawal symptoms.

6 *Forfeiture* [17 December 1993/1304]

(1) A narcotic substance which has been the object of an offence referred to in this chapter shall be declared forfeited to the State. If the narcotic substance cannot be declared forfeited because it has been concealed or destroyed so as to evade this sanction, the offender and an accomplice may be ordered to forfeit, instead of the narcotic substance, its value in full or in part.

(2) Forfeiture shall be declared also on

- 1) the implements, equipment and materials that have been used for the commission of an offence referred to in this chapter or obtained for this purpose, and
- 2) the assets referred to in s4.2), even if the act is punishable as a narcotics offence or an aggravated narcotics offense; forfeiture may be imposed on the supplier or he recipient of the financing or jointly and severally on them both.

(2) The provision in ch.46, s9—s11 apply correspondingly to the forfeiture provided for in (2) above.

(3) The forfeiture of the proceeds from criminal activity shall be provided for in ch.2, s16.

7 *Waiver of measures* [17 December 1993/1304]

In addition to the provisions in the Decree on the Enforcement of the Penal Code and in this Code, the prosecution or punishment for the use of a narcotic substance or for another related offence referred in this chapter may be waived, if the act, with regard to the circumstances, has not been detrimental to the obedience of the law. Prosecution and punishment may be waived also if the perpetrator shows that he has entered into treatment approved by the Ministry of Social Affairs and Health.

ch41-50.rl