

# **The Penal Code of Finland**

(39/1889; amendments up to 650/2003 included)

## **Chapter 1 - Scope of application of the criminal law of Finland (626/1996)**

### *Section 1 - Offence committed in Finland*

Finnish law applies to an offence committed in Finland.

### *Section 2 - Offence connected with a Finnish vessel*

- (1) Finnish law applies to an offence committed on board a Finnish vessel or aircraft if the offence was committed
  - (1) while the vessel was on the high seas or in territory not belonging to any State or while the aircraft was in or over such territory, or
  - (2) while the vessel was in the territory of a foreign State or the aircraft was in or over such territory and the offence was committed by the master of the vessel or aircraft, a member of its crew, a passenger or a person who otherwise was on board.
- (2) Finnish law also applies to an offence committed outside of Finland by the master of a Finnish vessel or aircraft or a member of its crew if, by the offence, the offender has violated his/her special statutory duty as the master of the vessel or aircraft or a member of its crew.

### *Section 3 - Offence directed at Finland*

- (1) Finnish law applies to an offence committed outside of Finland that has been directed at Finland.
- (2) An offence is deemed to have been directed at Finland
  - (1) if it is an offence of treason or high treason,
  - (2) if the act has otherwise seriously violated or endangered the national, military or economic rights or interests of Finland, or
  - (3) if it has been directed at a Finnish authority.

### *Section 4 - Offence in public office and military offence*

- (1) Finnish law applies to an offence referred to in chapter 40 of this Code that has been committed outside of Finland by a person referred to in chapter 40, section 11, paragraphs 1, 2, 3 and 5 (604/2002).
- (2) Finnish law also applies to an offence referred to in chapter 45 that has been committed outside of Finland by a person subject to the provisions of that chapter.

### *Section 5 - Offence directed at a Finn*

Finnish law applies to an offence committed outside of Finland that has been directed at a Finnish citizen, a Finnish corporation, foundation or other legal entity, or a foreigner permanently resident in Finland if, under Finnish law, the act may be punishable by imprisonment for more than six months.

### *Section 6 - Offence committed by a Finn*

- (1) Finnish law applies to an offence committed outside of Finland by a Finnish citizen. If the offence was committed in territory not belonging to any State, it is a precondition for the imposition of punishment that, under Finnish law, the act is punishable by imprisonment for more than six months.
- (2) A person who was a Finnish citizen at the time of the offence or is a Finnish citizen at the beginning of the trial is deemed to be a Finnish citizen.
- (3) The following are deemed equivalent to a Finnish citizen:
  - (1) a person who was permanently resident in Finland at the time of the offence or is permanently resident in Finland at the beginning of the trial, and

- (2) a person who was apprehended in Finland and who at the beginning of the trial is a citizen of Denmark, Iceland, Norway or Sweden or at that time is permanently resident in one of those countries.

#### Section 7 - *International offence*

- (1) Finnish law applies to an offence committed outside of Finland where the punishability of the act, regardless of the law of the place of commission, is based on an international agreement binding on Finland or on another statute or regulation internationally binding on Finland (*international offence*).
- (2) Further provisions on the application of this section shall be issued by Decree.
- (3) Regardless of the law of the place of commission, Finnish law applies also to an offence referred to in chapter 34a committed outside of Finland. (17/2003)

#### Section 8 - *Other offence committed outside of Finland*

Finnish law applies to an offence committed outside of Finland which, under Finnish law, may be punishable by imprisonment for more than six months, if the State in whose territory the offence was committed has requested that charges be brought in a Finnish court or that the offender be extradited because of the offence, but the extradition request has not been granted.

#### Section 9 - *Corporate criminal liability*

If, under this chapter, Finnish law applies to the offence, Finnish law applies also to the determination of corporate criminal liability.

#### Section 10 - *Place of commission*

- (1) An offence is deemed to have been committed both where the criminal act was committed and where the consequence contained in the statutory definition of the offence became apparent. An offence of omission is deemed to have been committed both where the offender should have acted and where the consequence contained in the statutory definition of the offence became apparent.
- (2) If the offence remains an attempt, it is deemed to have been committed also where, had the offence been completed, the consequence contained in the statutory definition of the offence either (i) would probably have become apparent or (ii) would in the opinion of the offender have become apparent.
- (3) An offence by an inciter and abettor is deemed to have been committed both where the act of complicity was committed and where the offence by the offender is deemed to have been committed.
- (4) If there is no certainty as to the place of commission, but there is justified reason to believe that the offence was committed in the territory of Finland, said offence is deemed to have been committed in Finland.

#### Section 11 - *Requirement of dual criminality*

- (1) If the offence has been committed in the territory of a foreign State, the application of Finnish law may be based on sections 5, 6 and 8 only if the offence is punishable also under the law of the place of commission and a sentence could have been passed for it also by a court of that foreign State. In this event, a sanction that is more severe than what is provided by the law of the place of commission shall not be imposed in Finland.
- (2) Even if the offence is not punishable under the law of the place of commission, Finnish law applies to it if it has been committed by a Finnish citizen or a person referred to in section 6(3)(1), and the penalty for it has been laid down in
  - (1) sections 1 - 9 of chapter 15, by virtue of section 12a of the same chapter;
  - (2) sections 1 - 3 of chapter 16 and even if the object of the offence is a person referred to in chapter 40, section 11, paragraph 2, 3 or 5 of a foreign public official who is in the service of the International Criminal Court;
  - (3) sections 13, 14 and 14a of chapter 16 and even if the provisions are applied on the basis of section 20 of the same chapter;
  - (4) section 18 or 19 of chapter 17;
  - (5) sections 6 - 8 of chapter 20;

- (6) section 9 of chapter 20, where the act is directed at a person younger than eighteen years of age; or
- (7) sections 1 - 4 of chapter 40, where the offender is a member of Parliament, a foreign public official or a member of a foreign parliament. (604/2002)

Section 12 - *Prosecution order by the Prosecutor-General* (205/1997)

- (1) A criminal case shall not be investigated in Finland without a prosecution order by the Prosecutor-General, where
  - (1) the offence was committed abroad, or
  - (2) a foreigner has committed an offence on board a foreign vessel when the vessel was in Finnish territorial waters or on board a foreign aircraft when the aircraft was in Finnish air space and the offence was not directed at Finland, a Finnish citizen, a foreigner permanently resident in Finland or a Finnish corporation, foundation or other legal entity.
- (2) However, the order by the Prosecutor-General is not be required, if
  - (1) the offence was committed by a Finnish citizen or a person who, under section 6, is equivalent to a Finnish citizen and it was directed at Finland, a Finnish citizen, a foreigner permanently resident in Finland, or a Finnish corporation, foundation or other legal entity,
  - (2) the offence was committed in Denmark, Iceland, Norway or Sweden and the competent public prosecutor of the place of commission has requested that the offence be tried in a Finnish court,
  - (3) the offence was committed aboard a Finnish vessel while on the high seas or in territory not belonging to any State or aboard a Finnish aircraft while it was in or over such territory,
  - (4) the offence was committed aboard a vessel or aircraft while it was in scheduled traffic between points in Finland or between a point in Finland and a point in Denmark, Iceland, Norway or Sweden,
  - (5) the offence is to be tried as a criminal case in accordance with the Military Court Procedure Act (326/1983), or
  - (6) there is a statutory provision to the effect that the President of the Republic or Parliament is to order any charges to be brought.

Section 13 - *Foreign judgment*

- (1) A charge shall not be brought in Finland if a judgment has already been passed and has become final in the State where the act was committed or in another member state of the European Union and
  - (1) the charge was dismissed,
  - (2) the defendant was found guilty but punishment was waived,
  - (3) the sentence was enforced or its enforcement is still in progress or
  - (4) under the law of the State where the judgment was passed, the sentence has lapsed.
 (814/1998)
- (2) The provisions of paragraph (1) notwithstanding, the Prosecutor-General may order that the charge be brought in Finland if the judgment passed abroad was not based on a request of a Finnish authority for a judgment or on a request for extradition granted by the Finnish authorities and
  - (1) under section 3, the offence is deemed to be directed at Finland,
  - (2) the offence is an offence in public office or a military offence referred to in section 4,
  - (3) the offence is an international offence referred to in section 7, or
  - (4) under section 10, the offence is deemed to have been committed also in Finland. However, the Prosecutor-General shall not order a charge to be brought for an offence that has been partially committed in the territory of that member state of the European Union where the judgment was passed.
 (814/1998)
- (3) If a person is sentenced in Finland for an offence for which he/she has already served in full or in part a sanction imposed abroad, a reasonable amount shall be deducted from the sentence. If the sanction that has been imposed has been

a custodial sentence, the court shall deduct from the sentence the time corresponding to the loss of liberty. The court may also note that the sanction that has been served is to be deemed a sufficient sanction for the offence.

#### Section 14 - *Reference provision*

Separate provisions apply to extradition on the basis of an offence and to other international legal assistance and to the immunity in certain cases of persons participating in a trial or a criminal investigation.

#### Section 15 - *Treaties and international custom binding on Finland*

If an international treaty binding on Finland or another statute or regulation that is internationally binding on Finland in some event restricts the scope of application of the criminal law of Finland, such a restriction applies as agreed. The provisions in this chapter notwithstanding, the restrictions on the scope of application of Finnish law based on generally recognised rules of international law also apply.

## Chapter 2 - **Penalties**

#### Section 1 (613/1974)

- (1) The general penalties are imprisonment, community service, fine and summary penal fee. (1056/1996)
- (2) The special penalties for public officials are dismissal and warning. (792/1989)
- (3) The disciplinary penalties for soldiers and other persons subject to chapter 45 are detention, confinement to barracks, disciplinary fine and warning. Separate provisions apply to the same. Where provisions with disciplinary punishment as their sanction apply to a person not subject to chapter 45, that person shall instead be sentenced to a fine. (651/1991)

#### Section 2 (697/1991)

- (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 chapter 7, at most fifteen years.
- (2) A sentence of imprisonment shorter than three months shall be passed by the day. Other sentences of imprisonment for a fixed period shall be passed by the month and day, by the month, by the year or by the year and month and, when sentencing to a joint punishment, also by the year, month and day.

#### Section 3 (613/1974)

- (1) Where an offence is by law punishable by hard labour, a sentence of imprisonment shall be passed instead of 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 hard labour.
- (3) Unless otherwise provided, the maximum period of imprisonment on the basis of a penal provision enacted before 1 July 1975 is four years.
- (4) The provisions on hard labour for life also apply to life imprisonment.

*Sections 4—5 have been repealed.*

#### Section 6

If a penalty 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 is decisive.

#### Section 7 (792/1989)

- (1) Dismissal referred to in the penal provisions in chapter 40 of this Code comprises the forfeiture of the public office or function in which the offence was

committed. If the public official has transferred from the office in which the offence was committed to another corresponding office, the dismissal comprises the forfeiture of that office. (604/2002)

- (2) In cases referred to in section 10 of this chapter the dismissal comprises the forfeiture of the public office, function or the public offices and functions that the offender has at the time when the sentence is passed.

*Sections 8 and 9 have been repealed.*

Section 10 (604/2002)

- (1) A public official, a person elected to a public office or a person who exercises public authority who is sentenced to imprisonment for life shall also be dismissed from office. He/she shall be dismissed also if he/she is sentenced to imprisonment for a determinate period that is at least two years, unless the court deems that the offence does not demonstrate that the sentenced person is unsuitable to serve as a public official or to attend to a public function.
- (2) If a person referred to in subsection 1 is sentenced for an intentional offence to imprisonment for a period that is less than two years, he/she may at the same time be dismissed from office if the offence demonstrates that he/she is apparently unsuitable to serve as a public official or to attend to the public function.

However, a member of the representative body of a public corporation who has been elected in a general election shall not be dismissed from said office by virtue of this section.

*Section 11 has been repealed.*

*Section 12 has been repealed.*

Section 13 (352/1990)

- (1) If a prisoner, while in a penitentiary or otherwise under the supervision of a prison authority, commits an offence that according to the general law would be punished by a fine, he/she shall be subjected to a disciplinary punishment within the institution, as separately provided. If the offence is deemed to require a more severe penalty than a fine, charges against the offender shall be brought before a court.
- (2) If a person referred to in paragraph (1) is sentenced by a court for an offence, the disciplinary punishment for which he/she has completely or partially served, 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 penalty for the act.
- (3) If a prisoner commits an offence outside of an institution, charges against him/her shall be brought before a court.

*Section 14 has been repealed.*

Section 14a (578/1995)

- (1) A person sentenced for treason or high treason, or sentenced for another offence to imprisonment for at least two years, shall be stripped of his/her military rank, unless this, 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.
- (2) However, no one shall be stripped of the lowest military rank. (559/2000)

Section 15

- (1) The times to be determined on the basis of this Code by the year or month shall be counted by the calendar. A day equals 24 hours.
- (2) *Paragraph has been repealed.*

*Section 16 has been repealed.*

#### Section 17

If the contents of a publication, document or visual 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 ordered forfeit 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 part and the corresponding plates and patterns are to be ordered forfeit and rendered unusable.

#### Section 18

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

### Chapter 2a - **Fine, conversion sentence and summary penal fee** (550/1999)

#### *Fine*

##### Section 1 - *Number of day fines* (550/1990)

- (1) A fine shall be passed as day fines, the minimum number of which is one and the maximum number 120.
- (2) The maximum and minimum numbers for a joint punishment to a fine are provided in chapter 7.
- (3) A specific minimum or maximum number, within the limits laid down in paragraph (1), may, for a special reason, be provided by an Act.
- (4) A specific minimum or maximum number provided by an Act enacted before 1 June 1969 does not apply.

##### Section 2 - *Amount of a day fine* (550/1999)

- (1) The amount of a day fine shall be set so that it is reasonable in view to the solvency of the person fined.
- (2) One sixtieth ( $\frac{1}{60}$ ) of the average monthly income of the person fined, less the taxes and fees defined by a Decree and a fixed deduction for basic consumption, is deemed to be a reasonable amount of a day fine. The maintenance liability of the person fined may decrease the day fine and his/her assets may increase it.
- (3) The primary basis for the calculation of the monthly income and the assessment of the assets of the person fined is his/her income and assets as indicated in the most recent tax record. If the income and assets of the person fined cannot be reliably ascertained from the tax records or they have been essentially changed since the most recent tax record, they can be assessed also on the basis of other information.
- (4) In a court, the day fine is set on the basis of the information available at the trial; in penal order proceedings, the day fine is set on the basis of the information available when the request for a penal order is being made. However, the prosecutor shall set the day fine on the basis of the information available at the time of issuance of the penal order, if it has become evident that the solvency of the person for whom the penal order has been requested has in the meantime essentially changed.
- (5) More detailed provisions on the calculation of the monthly income, the rounding-off of the amount of the day fine, the amount of the fixed deduction for basic consumption, the manner in which the maintenance liability and the assets are to be taken into account, and the minimum amount of a day fine shall be issued by a Decree.

##### Section 3 - *Total amount of the fine* (550/1999)

- (1) The total amount of the fine is equal to the number of day fines times the amount of a day fine.

- (2) It may be provided by Decree that the total amount of the fine imposed for given offences is to be increased to equal the maximum summary penal fee payable for the same sort of offence.

### *Conversion sentence*

#### Section 4 - *Passing a conversion sentence* (550/1999)

A person who has been sentenced to a fine and from whom the collection of the fine has failed, shall be ordered to imprisonment in lieu of the unpaid fine. A conversion sentence shall be passed for an unpaid threat of a fine, the collection of which has failed.

#### Section 5 - *Duration of the conversion sentence* (550/1999)

- (1) When passing a conversion sentence, two unpaid day fines correspond to imprisonment for one day. If there is an odd number of day fines to be converted, one day fine shall be left unconverted. If only a part of a day fine has been paid, the day fine shall be deemed unpaid.
- (2) When passing a conversion sentence for a threat of a fine, imposed as a lump sum, every 20 euros correspond to imprisonment for one day. (971/2001)
- (3) However, a conversion sentence shall be passed for at least four days and at most 90 days.
- (4) If two or more fines are to be converted at the same time, only one conversion sentence shall be passed, in accordance with paragraph (3). In this event, a threat of a fine corresponds to a fine.
- (5) For reasons referred to in section 6(1) or 7, a court may pass a conversion sentence that is shorter than what has been provided in this section, but nevertheless for at least four days.

#### Section 6 - *Waiver of conversion* (550/1999)

- (1) A court may waive a conversion sentence, if
  - (1) the offence giving rise to the fine, taking its detrimental nature into account, is to be deemed petty when assessed as a whole,
  - (2) the offence giving rise to the fine has been committed by a person under 18 years of age, or
  - (3) the conversion sentence is to be deemed unreasonable or pointless in view of the personal circumstances of the person fined, the other consequences of the offence to that person, the measures undertaken by the social welfare or health authorities, or other circumstances.
- (2) When passing a conversion sentence for a joint punishment of a fine, the court shall assess the proportion of the fines that are not susceptible to conversion in the joint punishment and waive conversion for that part.
- (3) The part of the total amount of the fine that has been increased under section 3(2) shall not be converted.

#### Section 7 - *Waiver of conversion of a threat of a fine* (550/1999)

A court may waive the conversion of a threat of a fine into imprisonment, if

- (1) the main obligation has been complied with in full or in part, or
- (2) the conversion sentence is to be deemed unreasonable or pointless in view of the personal circumstances of the person fined, the other consequences of the failure to comply with the main obligation to that person, or other circumstances.

### *Summary penal fee*

#### Section 8 - *Summary penal fee* (550/1999)

- (1) A summary penal fee is a pecuniary penalty of a fixed amount and less severe than a fine. (971/2001)
- (2) A summary penal fee shall not exceed 200 euros. The summary penal fees payable for various infractions shall be provided by a Governmental Decree. (971/2001)
- (3) An unpaid summary penal fee shall not be converted into imprisonment.

Section 9 - *Infractions giving rise to summary penal fees* (550/1999)

- (1) A summary penal fee may be provided as a sanction, in accordance with paragraphs (2) - (4), for infractions which are subject to public prosecution and for which the most severe penalty provided is a fine or imprisonment for at most six months.
- (2) A summary penal fee may be provided as a sanction for minor infractions of the Road Traffic Act (267/1981), the Vehicle Act (1090/2002), or the regulations or orders issued on their basis, and pertaining to
  - (1) pedestrians,
  - (2) the operators of non-motor powered vehicles,
  - (3) the structure, equipment or condition of motor vehicles or trailers, the documents required for the driving of motor vehicles, the disturbing or needless driving of motor vehicles, passenger transport, the use of personal protective equipment of the driver or passenger, the other traffic regulations pertaining to drivers, or the commands, prohibitions and restrictions issued by way of traffic signals,
  - (4) exceeding the speed limit with a motor vehicle, or
  - (5) the inspection and registration of vehicles. (1094/2002)
- (3) A summary penal fee may also be provided as a sanction for minor infractions of the littering prohibition laid down in the Waste Act (1072/1993) and neglect of the payment of the fisheries management fee or the fee for fishing with a lure, laid down in the Fishing Act (286/1982), or failure to present within a specified period a receipt showing payment of said fee. (515/2002)
- (4) More detailed provisions on the infractions referred to in paragraphs (2) and (3) are issued by Decree.

Section 10 - *Imposing a summary penal fee* (550/1999)

- (1) A summary penal fee is imposed by a police officer or another official carrying out a statutory monitoring function.
- (2) A summary penal fee shall not be imposed if
  - (1) the infraction has been conducive to causing danger or disturbance that is not minor,
  - (2) the person committing the infraction has by the act shown indifference to the commands and prohibitions of the law, or
  - (3) it is evident that the injured party will make a prosecution request to the police or a prosecutor because of the infraction or make a claim for damages.
- (3) The procedure for imposing a summary penal fee is provided in the Act on the Procedure on Summary Penal Fees (66/1983).

Section 11 - *Summary penal fee for numerous offences* (550/1999)

- (1) If a summary penal fee is to be imposed for two or more infractions at the same time, the summary penal fee shall be imposed for the offence for which the summary penal fee provided is the highest.
- (2) A joint punishment shall not be passed for a summary penal fee and a fine or a sentence of imprisonment for a fixed period.

Chapter 2b - **Conditional imprisonment** (520/2001)

Section 1 - *Suspension of a sentence of imprisonment* (520/2001)

- (1) A sentence of imprisonment for a fixed period not exceeding two years may be conditional (*conditional sentence*), unless the seriousness of the offence, the guilt of the offender as manifest in the offence, or the criminal history of the offender require that the sentence of imprisonment be enforced at once.
- (2) However, a sentence passed for an offence committed while the offender has been under 18 years of age shall not be enforced at once, unless there are persuasive reasons for the same.



Section 2 - *Ancillary sanctions* (520/2001)

- (1) If conditional imprisonment by itself is to be deemed an insufficient sanction for the offence, an ancillary fine may be imposed; alternatively, if the conditional sentence exceeds one year, an ancillary sanction of community service for at least 20 and at most 90 hours may be imposed.
- (2) A person who has committed an offence while under 21 years of age may be subjected to monitoring so as to reinforce conditional imprisonment, where this is to be deemed justified in view of the social adaptation of the offender and the prevention of further offences.
- (3) Ancillary fines, community service and monitoring are subject to the specific provisions on the sanction in question. However, ancillary community service may be commuted into imprisonment for at least four and at most 90 days.

Section 3 - *Contents of conditional imprisonment* (520/2001)

- (1) When a sentence of imprisonment is conditional, the enforcement of the sentence is postponed for a probation period. The length of the probation period is at least one and at most three years. The probation period begins as from the pronouncement or the issue of the judgment.
- (2) If not ordered to be enforced under section 5, the sentence shall lapse.

Section 4 - *Notice of suspension of sentence* (520/2001)

When conditional imprisonment is imposed, the offender shall be notified, in connection with the pronouncement or the issue of the judgment, of the date when the probation period ends and of the grounds on which the sentence may be ordered to be enforced.

Section 5 - *Ordering the enforcement of conditional imprisonment* (520/2001)

- (1) A court may order the enforcement of conditional imprisonment if the convict commits an offence during the probation period, where the court deems that a sentence of imprisonment is the correct sanction and the charge has been brought within one year of the end of the probation period. In this event, the conditional sentence to be enforced, the sentence for the offence committed during the probation period and the sentences for the other offences considered in the same trial shall be joined in accordance with the provisions of chapter 7.
- (2) Alternatively, the court may order that conditional imprisonment be enforced only partially; in this event, the remainder of the sentence shall continue to be conditional, subject to the same probation period.

Chapter 3 - **Vindication and mitigation** (621/1967)

*(NB. By Act 515/2003, this chapter is to be replaced by a new Chapter 3 as of 1 January 2004; see the text immediately following this chapter)*

Section 1 (263/1940)

- (1) An otherwise punishable act is not punishable when committed by a child under fifteen years of age.
- (2) The measures that can be applied to such a child are provided in the Child Welfare Act.

Section 2 (613/1974)

A person at least fifteen but under eighteen years of age who commits an offence shall be sentenced, when said offence could have been punishable by life imprisonment, to imprisonment for at least two and at most twelve years. If the penalty in the provision in question is imprisonment for a fixed period or a fine, the sentence shall be at most three fourths of the most severe penalty provided and at least the minimum penalty provided in chapter 2.

Section 3

- (1) An act of an insane person and an act by a person who is mentally deficient due to senility or another similar reason is not punishable.

- (2) If someone is temporarily deranged so that he/she is not in possession of his/her mental faculties, an act that he/she commits while in such a condition is also not punishable.
- (3) Separate provisions apply to the choice between conditional and unconditional imprisonment and to sanctions imposed in addition to conditional imprisonment. (515/2003; enters into force on 1 January 2004)

#### Section 4

- (1) If someone is regarded as not having been in full possession of his/her mental faculties at the time he/she committed an offence, but he/she cannot be regarded as totally irresponsible in accordance with section 3, the general penalty is that provided in section 2.
- (2) In this case the state of voluntary intoxication or other such self-induced mental aberration is not by itself a reason for such reduction of penalty.

#### Section 5

- (1) An act which is deemed to have occurred more through accident than through negligence is not punishable.
- (2) If the penalty provision contains a specific minimum period of imprisonment, the court may, unless the public interest demands otherwise, and for special reasons which are to be mentioned in the judgment, pass a sentence shorter than the minimum period or, when no penalty more severe than a fixed term of imprisonment is provided, pass a sentence of a fine. (613/1974)
- (3) A court can waive 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 of minor significance;
  - (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 settlement reached by the offender and the injured party or the action taken by the offender to prevent or remove the effects of his/her offence, or to further its being cleared up, his/her personal circumstances, the other consequences of the offence to him/her, 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 owing to the provisions on sentencing to a joint punishment. (1060/1996)
- (4) In addition of the provisions in paragraph (3), a court can waive the punishment for an offence committed while the offender was under eighteen years of age, if the act is deemed to be the result of his/her thoughtlessness or imprudence rather than his/her being heedless of the prohibitions and commands of the law. (302/1990)

#### Section 6

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

#### Section 7

Self-defence is also justified when someone forces his/her 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/her own property.

#### Section 8 (621/1967)

- (1) *Paragraph has been repealed.*
- (2) When a person being apprehended, arrested or detained attempts to avoid capture by resisting or escaping, or when a prisoner or another person apprehended, arrested or detained 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 is also allowed in order to capture him/her, to prevent the escape, or to keep order, when these measures can be justified in view of the circumstances. The same applies when the resisting person is someone other than the aforesaid person.

- (3) When someone has the right under paragraph (1) or (2) to use forcible measures, those assisting in the performance of the official duty also have this right.
- (4) Also a person who has apprehended another person by virtue of chapter 1, section 1 of the Coercive Measures Act and meets with resistance has the right, as referred to above, to use forcible measures. (496/1995)
- (5) *Paragraph has been repealed.*

#### Section 8a (321/1983)

- (1) A soldier who is on duty as a sentry, in the day detail or as military police and who meets with resistance has the right to use such forcible measures 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 has the right to use forcible measures also if, despite a command to stop, someone approaches a guarded area 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 operations, and despite the prohibition of a superior officer, a subordinate deserts, violently resists his/her 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 has the right to use such forcible measures 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 has the right to use the forcible measures referred to in section 8(2).

#### Section 9 (621/1967)

- (1) If someone has in a situation referred to in section 6 or 7 committed an act which was not necessary to repel the attack, to protect the sanctity of the home or to retrieve his/her property, he/she shall be sentenced for exaggerated self-defence, in accordance with the discretion of the court, either to full punishment or to punishment reduced in accordance with section 2(1). If the circumstances were such that he/she could not retain his/her self-control, he/she shall not be sentenced to a punishment.
- (2) In situations referred to in section 8 or 8a of this chapter, section 27 of the Police Act, or section 9 of the Act on Keepers of Public Order (533/1999), 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 paragraph (1) or, if there are very persuasive reasons for the same, punishment may be waived. (536/1999)

#### Section 10

If someone has committed a punishable act in order to save himself/herself or another, or his/her 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/she shall remain unpunished or whether he/she deserves full punishment or a punishment reduced in accordance with section 2(1).

#### Section 10a (321/1983)

- (1) A subordinate soldier shall be sentenced to punishment for an act that he/she has committed in accordance with the order of a superior officer only if he/she has clearly understood that by obeying the order he/she would be breaking the law or his/her duty or service. If, however, the act has occurred under

circumstances in which the subordinate could not have disobeyed the order, he/she may remain 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 otherwise clearly in violation of the law.

Section 11 (1060/1996)

If a sentence of imprisonment for a fixed period is passed for an act for which the offender has been deprived of his/her 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 charges or a criminal investigation relating to the same matter or because of a court order to the effect that the defendant was to be brought before the court. If the sentence passed is a fine or a juvenile penalty, the deprivation of liberty shall be taken into consideration in a reasonable amount as reduction or as complete service of the sentence; however, in case of a fine the reduction in day-fines must be at least equivalent to the period of deprivation of liberty.

Chapter 3 - **The general conditions for criminal liability** (515/2003; enters into force on 1 January 2004)

Section 1 - *The principle of legality*

- (1) A person may be found guilty of an offence only on the basis of an act that has been specifically criminalized in law at the time of its commission.
- (2) The punishment and other sanction under criminal law must be based on law.

Section 2 - *Temporal application*

- (1) The law in force at the time an offence was committed applies to the offence.
- (2) However, if a law other than the one in force at the time of the commission of the offence is in force at the time of conviction, the new law applies if its application leads to a more lenient result.
- (3) If the law is intended to be in force only for a fixed period of time, and there are no provisions to the contrary, the law in force at the time of the commission of the act applies to an act committed during this period.
- (4) If the specific contents of a penal provision in law are determined by other provisions in law or by provisions or rules issued on its basis, the punishability of an act is assessed on the basis of the provisions or rules in force at the time of the act, unless there are provisions to the contrary or unless the new provisions demonstrate that the attitude towards the punishability of the act has changed.

Section 3 - *The punishability of omission*

- (1) An omission is punishable if this is specifically provided in the statutory definition of an offence.
- (2) An omission is punishable also if the offender has not prevented the causing of a consequence that accords with the statutory definition, even though he/she had had a special legal duty to prevent the causing of the consequence. Such a duty may be based on:
  - (1) an office, function or position;
  - (2) the relationship between the offender and the victim;
  - (3) the assumption of an assignment or a contract;
  - (4) the action of the offender in creating danger; or
  - (5) another reason comparable to these.

Section 4 - *The age of criminal liability and criminal responsibility*

- (1) Conditions for criminal liability are that the offender had reached the age of fifteen years at the time of the act and is criminally responsible.
- (2) The offender is not criminally responsible if at the time of the act, due to mental illness, severe mental deficiency or a serious mental disturbance or a serious disturbance of consciousness, he/she is not able to understand the factual nature or unlawfulness of his/her act or his/her ability to control his/her behaviour is decisively weakened (*criminal irresponsibility*).
- (3) If the offender is not criminally irresponsible pursuant to 2 but, due to mental illness, mental deficiency, mental disturbance or disturbance of consciousness, his/her ability to understand the factual nature or unlawfulness of his/her act or his/her ability to control his/her behaviour is significantly weakened (*diminished responsibility*), the provisions in chapter 6, section 8(3) and (4) are to be taken into account in the determination of the sentence.
- (4) Intoxication or other temporary mental disturbance induced by the offender himself/herself is not taken into account in the assessment of criminal responsibility unless there are particularly weighty reasons for this.
- (5) If, due to the mental condition of the person accused of an offence, the court waives punishment, the court shall, unless this is obviously unnecessary, submit for clarification the question of his/her need for treatment, as provided in section 21 of the Mental Health Act (1116/1990).

### Section 5 – *Imputability*

- (1) Intent or negligence are conditions for criminal liability.
- (2) Unless otherwise provided, an act referred to in this Code is punishable only as an intentional act.
- (3) What is provided in subsection 2 applies also to an act referred to elsewhere in law for which the statutory maximum sentence is imprisonment for more than six months or on which the penal provision has been issued after this law entered into force.

### Section 6 – *Intent*

An offender has caused the consequence described in the statutory definition intentionally if the causing of the consequence was the offender's purpose or he/she had considered the consequence as a certain or quite probable result of his/her actions. A consequence has also been caused intentionally if the offender has considered it as certainly connected with the consequence that he/she has aimed for.

### Section 7 – *Negligence*

- (1) The conduct of a person is negligent if he/she violates the duty to take care called for in the circumstances and required of him/her, even though he/she could have complied with it (*negligence*).
- (2) Whether or not negligence is to be deemed gross is decided on the basis of an overall assessment. In the assessment, the significance of the duty to take care, the importance of the interests endangered, the probability of the violation, the deliberateness of the taking of the risk and other circumstances connected with the act and the offender are taken into account.
- (3) An act which is deemed to have occurred more through accident than through negligence is not punishable.

## Chapter 4 - **Attempt**

*(NB. By Act 515/2003, this chapter is to be replaced by a new Chapter 4 as of 1 January 2004; see the text immediately following this chapter)*

### Section 1

- (1) When, by law, an attempt is punishable, and no specific punishment is provided for it, the sentence shall be passed according to the penalty provision for a completed offence; however, this punishment shall be reduced as provided in chapter 3, section 2 for offenders at least fifteen but under eighteen years of age.
- (2) The provisions on dismissal and other sanctions for the completed offence shall apply also when punishing for an attempt. (2/1969)

### Section 2

- (1) If the offender, on his/her own free will and not owing to external obstacles, has withdrawn from the completion of the offence, or prevented the consequence of the offence which makes the offence completed, the attempt is not punishable.
- (2) If such an attempt involves an act which in itself is a separate offence, a sentence shall be passed for this offence.

### Section 3

- (1) The preparation of an offence is punishable only where it is specifically so provided.
- (2) The provisions in section 2 on attempt apply to punishable preparation.

Chapter 4 – **Grounds for exemption from liability** (515/2003; enters into force on 1 January 2004)

Section 1 – *Mistake as to the definitional elements of an offence*

If at the time of the act that offender was not aware of the existence of all those factors required for the completion of the statutory definition of the offence, or if he/she errs regarding such a factor, the act is not intentional. Nonetheless, liability for a negligent offence may enter the question pursuant to the provisions on criminal liability for negligence.

Section 2 – *Mistake as to the unlawfulness of the act*

If the offender errs in regarding his/her act as lawful, he/she is exempt from criminal liability if the mistake is to be deemed manifestly excusable due to the following factors:

- (1) the defective or erroneous publication of the law;
- (2) the particular obtuseness of the contents of the law;
- (3) erroneous advice by an authority; or
- (4) another reason comparable to these.

Section 3 – *Mistake as to a defence*

If the act does not involve grounds referred to below in sections 4 through 6 which would exempt the offender from liability, but such grounds would have been connected with the situation in which the act was committed as reasonably understood by the offender, he/she may not be punished for an intentional offence. Nonetheless, liability for a negligent offence may enter the question pursuant to the provisions on criminal liability for negligence.

Section 4 – *Self-defence*

- (1) An act that is necessary to defend against an ongoing or imminent unlawful attack is lawful as self-defence, unless the act manifestly exceeds what in an overall assessment is to be deemed justifiable, taking into account the nature and strength of the attack, the identity of the defender and the attacker and the other circumstances.
- (2) However, if the defence exceeds the limits of self-defence (*excessive self-defence*), the offender is exempt from criminal liability if the circumstances were such that the offender could not reasonably have been expected to have acted otherwise, taking into account the dangerousness and sudden nature of the attack and the situation also otherwise.

Section 5 – *Necessity*

- (1) An act other than that referred to above in section 4, necessary to ward off an immediate and compelling threat to a legally protected interest, is permissible as an act of necessity if the act when assessed as a whole is justifiable, taking into account the nature and extent of the interest to be rescued and the damage and detriment caused by the act, the origin of the danger and the other circumstances
- (2) If the act committed in order to rescue a legally protected interest is not to be deemed permissible pursuant to subsection 1, the offender is nonetheless free from criminal liability if the offender could not reasonably have been expected to have acted otherwise, taking into account the importance of the interest to be rescued, the unexpected and compelling nature of the situation and the other circumstances.

Section 6 – *Use of forcible measures*

- (1) Separate provisions in an Act apply to the right to use forcible measures in the performance of official functions or for another comparable reason and to the right to assist persons appointed to maintain order.
- (2) In the use of forcible measures, recourse may be had only to such measures necessary to perform the function and that can be deemed justifiable when

assessed as a whole, taking into account the importance and urgent nature of the task, the dangerousness of the resistance and the situation also otherwise.

- (3) If the limits provided in subsection 2 have been exceeded in the use of forcible measures, the offender is nonetheless free of criminal liability if there are very weighty grounds to deem that the offender could not reasonably have been expected to have acted otherwise, taking into account his/her position and training, the importance of the function and the sudden nature of the situation.

#### Section 7 – *Mitigation of penal liability*

Even if the offender is not exempted fully from penal liability pursuant to the grounds provided in this chapter, the circumstances may nonetheless be taken into account as mitigation of the penal liability in accordance with what is provided in chapter 6, section 8, subsections (1)(4), (2) and (4).

### Chapter 5 - **Participation**

*(NB. By Act 515/2003, this chapter is to be replaced by a new Chapter 5 as of 1 January 2004; see the text immediately following this chapter)*

#### Section 1

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

#### Section 2

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

#### Section 3

- (1) A person who, during or before the commission of an offence by someone else, intentionally furthers the act through advice, action or exhortation, shall be sentenced for complicity, if the offence is completed. If an attempt and the completion of the offence are punishable in the same manner, the person shall be punished for complicity also if the offence remains an attempt. In both cases the person shall be sentenced according to the provision that would have been applied if he/she was the offender; however, a general punishment shall be reduced as provided in chapter 3, section 2 for offenders at least fifteen but under eighteen years of age. If the offence remained an attempt punishable under chapter 4, section 1, the accomplice shall be sentenced to at most half of the punishment he/she could have received had the offender completed the offence.
- (2) In punishing the accomplice, the provisions on dismissal as well as the other sanctions for the offence apply. (2/1969)
- (3) Incitement to punishable complicity is punishable as complicity.

#### Section 4

Where a special circumstance vindicates, mitigates or aggravates an act, it applies only to the offender, inciter or accomplice to whom the circumstance pertains.

#### Section 5

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



Chapter 5 – **On attempt and complicity** (515/2003; enters into force on 1 January 2004)

Section 1 – *Attempt*

- (1) An attempt of an offence is punishable only if the attempt has been denoted as punishable in a provision on an intentional offence.
- (2) An act has reached the stage of an attempt at an offence when the offender has begun the commission of an offence and brought about the danger that the offence will be completed. An attempt at an offence is involved also when such a danger is not caused, but the fact that the danger is not brought about is due only to coincidental reasons.
- (3) In sentencing for an attempt at an offence, chapter 6, section 8, subsections (1)(2), (2) and (4) apply, unless, pursuant to the criminal provision applicable to the case, the attempt is comparable to a completed act.

Section 2 – *Withdrawal from an attempt and elimination of the effects of an offence by the offender*

- (1) An attempt is not punishable if the offender, on his/her own free will, has withdrawn from the completion of the offence, or otherwise prevented the consequence referred to in the statutory definition of the offence.
- (2) If the offence involves several accomplices, the offender, the instigator or the abettor is exempted from liability on the basis of withdrawal from an offence and elimination of the effects of an offence by the offender only if he/she has succeeded in getting also the other participants to desist withdraw from completion of the offence or otherwise been able to prevent the consequence referred to in the statutory definition of the offence or in another manner has eliminated the effects of his/her own actions on the completion of the offence.
- (3) In addition to what is provided in subsections 1 and 2, an attempt is not punishable if the offence is not completed or the consequence referred to in the statutory definition of the offence is not caused for a reason that is independent of the offender, instigator or abettor, but he/she has voluntarily and seriously attempted to prevent the completion of the offence or the causing of the consequence.
- (4) If an attempt, pursuant to subsections 1 through 3, remains unpunishable but at the same time comprises another, completed, offence, such offence is punishable.

Section 3 – *Complicity in an offence*

If two or more persons have committed an intentional offence together, each is punishable as an offender.

Section 4 – *Commission of an offence through an agent*

A person is sentenced as an offender if he/she has committed an intentional offence by using, as an agent, another person who cannot be punished for said offence due to the lack of criminal responsibility or intention or due to another reason connected with the conditions for criminal liability.

Section 5 – *Instigation*

A person who intentionally persuades another person to commit an intentional offence or to make a punishable attempt at such an act is punishable for incitement to the offence as if he/she was the offender.

Section 6 – *Abetting*

- (1) A person who, before or during the commission of an offence, intentionally furthers the commission by another of an intentional act or of its punishable attempt, through advice, action or otherwise, shall be sentenced for abetting on the basis of the same legal provision as the offender. The provisions of chapter 6, section 8, subsections (1)(3), (2) and (4) apply nonetheless to the sentence.

- (2) Incitement to punishable aiding and abetting is punishable as aiding and abetting.

Section 7 – *Special circumstances related to the person*

- (1) Where a special circumstance vindicates, mitigates or aggravates an act, it applies only to the offender, inciter or abettor to whom the circumstance pertains.
- (2) An inciter or abettor is not exempted from penal liability by the fact that he/she is not affected by a special circumstance related to the person and that is a basis for the punishability of the act by the offender.

Section 8 – *Acting on behalf of a legal person*

- (1) A member of a statutory body or management of a corporation, foundation or other legal person, a person who exercises actual decision-making power in the legal person or a person who otherwise acts on its behalf in an employment relationship in the private or public sector or on the basis of a commission may be sentenced for an offence committed in the operations of a legal person, even if he/she does not fulfil the special conditions stipulated for an offender in the statutory definition of the offence, but the legal person fulfils said conditions.
- (2) If the offence has been committed in organised activity that is part of an entrepreneur's business or in other organised activity that is comparable to the activity of a legal person, the provisions in subsection 1 on an offence committed in the operations of a legal person correspondingly apply.
- (3) The provisions of this section do not apply if different provisions elsewhere apply to the matter.

## Chapter 6 - **Sentencing**

*(NB. By Act 515/2003, this chapter is to be replaced by a new Chapter 6 as of 1 January 2004; see the text immediately following this chapter)*

Section 1 (466/1976)

- (1) In sentencing, all the relevant grounds for increasing and reducing the punishment, as well as the uniformity of sentencing practice, shall be taken into consideration. The sentence shall be 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 sections 2 and 3 of this chapter are grounds for increasing or reducing punishment.

Section 2 (466/1976)

The following are grounds for increasing the punishment:

- (1) the criminal activity has been methodical;
- (2) the offence has been committed as a member of a group organised for serious offences;
- (3) the offence has been committed for remuneration; and
- (4) the offender has a criminal history, if the relation between it and the new offence on the basis of the similarity between the offences or otherwise shows that the offender is apparently heedless of the prohibitions and commands of the law.

Section 3 (466/1976)

The following are grounds for reducing the punishment:

- (1) significant pressure, a threat or a similar influence has affected the commission of the offence;

- (2) strong empathy has led to the offence or an exceptional and sudden temptation or a similar circumstance has been conducive to decreasing the capability of the offender to obey the law; and
- (3) the offender has voluntarily attempted to prevent or remove the effects of the offence or to further it being cleared up.

Section 4 (466/1976)

If the offence or the judgment has caused to the offender another consequence which, together with the sentence passed on the basis of the application of the grounds mentioned above in this chapter, would lead to a result that is unreasonable in comparison with the nature of the offence, such a situation shall be taken into consideration as is reasonable when passing the sentence.

## Chapter 6 – **Sentencing** (515/2003; enters into force on 1 January 2004)

### *General provisions*

#### Section 1 – *The types of punishment*

- (1) The general punishments are summary penal fine, fine, conditional imprisonment, community service, and unconditional imprisonment.
- (2) The special punishments for public officials are warning and dismissal from office.
- (3) The disciplinary punishments for soldiers and other persons subject to chapter 45 are detention, confinement to barracks, disciplinary fine and warning. In applying a provision calling for disciplinary punishment on a person other than those subject to chapter 45, said person shall be sentenced to a fine instead of to a disciplinary punishment.
- (4) A corporate fine is imposed on a legal person as provided in chapter 9.

#### Section 2 – *The penal latitude and deviations from the penal latitude*

The sentence is determined in accordance with the penal latitude provided for the offence. Deviations from it may be made as provided in section 8. The maximum sentence provided in the scale may be exceeded as provided in chapter 7.

#### Section 3 – *The general starting points*

- (1) In sentencing, all grounds according to law affecting the amount and type of punishment, as well as the uniformity of sentencing practice, are taken into account.
- (2) The grounds affecting sentencing are those provided in sections 4 through 8 of this chapter as well as those provided elsewhere in law.
- (3) In deciding on the type of punishment, the provisions of sections 9 through 12 apply in addition to the grounds affecting sentencing.

### *Sentencing*

#### Section 4 – *The general principle*

The sentence shall be determined so that it is in just proportion to the harmfulness and dangerousness of the offence, the motives for the act and the other culpability of the offender manifest in the offence.

#### Section 5 – *Grounds increasing the punishment*

- (1) The following are grounds for increasing the punishment:
  - (1) the criminal activity has been methodical;
  - (2) the offence has been committed as a member of a group organised for serious offences;
  - (3) the offence has been committed for remuneration;
  - (4) the offence has been directed at a person belonging to a national, racial, ethnic or other population group due to his/her membership in such a group; and
  - (5) the relation between the criminal history of the offender and the new offence, due to the similarity between the offences or otherwise, shows that the offender is apparently heedless of the prohibitions and commands of the law.

#### Section 6 – *Grounds reducing the punishment*

The following are grounds for reducing the punishment:

- (1) significant pressure, threat or a similar influence that has affected the commission of the offence;
- (2) strong empathy or an exceptional and sudden temptation that has led to the offence, the exceptionally great contribution of the injured party or a

corresponding circumstance that has been conducive to decreasing the capability of the offender to conform to the law;

- (3) reconciliation between the offender and the injured person, other attempts of the offender to prevent or remove the effects of the offence or his/her attempt to further the clearing up of the offence; and
- (4) the grounds mentioned in section 8(1) and (3).

#### Section 7 – *Grounds mitigating the punishment*

In addition to what is provided above in section 6, grounds mitigating the punishment that are also to be taken into consideration are

- (1) another consequence to the offender of the offence or of the sentence;
- (2) the advanced age, poor health or other personal circumstances of the offender; and
- (3) a considerably long period that has passed since the commission of the offence;

if the punishment that accords with established practice would for these reasons lead to an unreasonable or exceptionally detrimental result.

#### Section 8 – *Mitigation of the penal latitude*

- (1) The sentence is determined in accordance with a mitigated penal latitude if
  - (1) the offender has committed the offence under the age of 18 years;
  - (2) the offence has remained an attempt;
  - (3) the offender is convicted as an abettor in an offence, through application of the provisions of chapter 5, section 6, or his/her complicity in the offence is otherwise clearly less than that of other accomplices;
  - (4) the offence has been committed in circumstances that closely resemble those that lead to the application of grounds for exemption from liability; or
  - (5) there are special reasons for this pursuant to section 6 or 8 or on other exceptional grounds, mentioned in the sentence.
- (2) In determining the punishment pursuant to subsection 1, at most three fourths of the maximum sentence of imprisonment or fine and at least the minimum sentence provided for the offence may be imposed on the offender. If the offence is punishable by life imprisonment, the maximum punishment is instead twelve years of imprisonment and the minimum punishment is two years of imprisonment.
- (3) What is provided in subsection 2 also applies in determining the sentence for a person who committed an offence in a state of diminished responsibility. However, diminished responsibility does not affect the applicable maximum punishment.
- (4) If the maximum punishment for the offence is imprisonment for a fixed period, the court may in cases referred to in this section impose a fine as the punishment instead of imprisonment, if there are especially weighty reasons for this.

#### *The choice of the type of punishment*

##### Section 9 – *The choice between conditional and unconditional imprisonment*

- (1) A sentence of imprisonment for a fixed period not exceeding two years may be conditional (*conditional imprisonment*), unless the seriousness of the offence, the guilt of the offender as manifest in the offence, or the criminal history of the offender requires the imposition of an unconditional sentence of imprisonment.
- (2) However, an unconditional sentence of imprisonment shall not be imposed for an offence committed when the offender was under 18 years of age, unless this is demanded by weighty reasons.

##### Section 10 – *Sanctions ancillary to conditional imprisonment*

- (1) If conditional imprisonment by itself is to be deemed insufficient punishment for the offence, an ancillary fine may be imposed or, if the conditional imprisonment

exceeds one year, an ancillary community service order for at least 20 and at most 90 hours may be imposed.

- (2) A person who has committed an offence when under 21 years of age may be subjected to supervision in order to reinforce conditional imprisonment, where this is to be deemed justified in view of the social adaptation of the offender and the prevention of further offences.
- (3) Fines, community service and supervision imposed in addition to conditional imprisonment are subject to the separate provisions on the sanction in question. However, ancillary community service may be commuted into imprisonment for at least four and at most 90 days.

#### Section 11 – *Community service*

- (1) An offender who is sentenced to a fixed term of unconditional imprisonment of at most eight months shall be sentenced instead to community service, unless unconditional sentences of imprisonment, earlier community service orders or other weighty reasons are to be considered bars to the imposition of the community service order.
- (2) A condition for the imposition of a community service order is that the offender has given his/her consent to the community service order and that he/she may be assumed to complete the community service order.

#### Section 12 – *Waiving of punishment*

A court may waive punishment if

- (1) the offence, when assessed as a whole, taking into account its harmfulness or the culpability of the offender manifested in it, is to be deemed of minor significance;
- (2) the offender has committed the offence under the age of 18 years and the act is deemed to be the result of lack of understanding or of imprudence;
- (3) due to special reasons related to the act or the offender the act is to be deemed comparable to an excusable act;
- (4) punishment is to be deemed unreasonable or pointless in particular taking into account the factors referred to above in section 6(3) and section 7 or the actions by the social security and health authorities; or
- (5) the offence would not have an essential effect on the total sentence due to the provisions on sentencing to a joint punishment.

#### *Deductions to be made from the punishment imposed*

#### Section 13 – *Deduction of period of loss of liberty*

- (1) If a sentence of imprisonment for a fixed period is imposed for an act for which the offender has been deprived of his/her liberty for a continuous period of at least one day, the court shall deduct from the punishment a period corresponding to this loss of liberty, or deem this loss of liberty to be full service of the punishment.
- (2) The same shall be done if the loss of liberty was due to the defendant having been taken into custody due to charges or a criminal investigation relating to the same matter or due to a court order to the effect that the defendant was to be brought before the court.
- (3) If the punishment imposed is a fine, the loss of liberty shall be taken into account to a reasonable amount, but nonetheless at least to an amount corresponding to the loss of liberty, or shall be deemed to be full service of the punishment.
- (4) If the punishment imposed is a juvenile penalty, the loss of liberty shall be taken into account to a reasonable amount by deduction from the hours of juvenile service otherwise to be imposed on the convicted offender.

#### Section 14 – *Deduction of punishment imposed abroad*

If a person is sentenced in Finland for an offence for which he/she has already served a sanction imposed abroad in full or in part, a reasonable amount shall

be deducted from the sentence to be imposed. If the sanction that has been served has been a custodial sentence, the court shall deduct from the sentence the time corresponding to the loss of liberty. The court may also note that the sanction that has been served is to be deemed a sufficient sanction for the offence.

*Section 15 – Deduction of disciplinary punishment for prisoners serving a sentence*

Disciplinary punishment may be imposed on a prisoner serving a sentence, as separately provided, for an offence committed in a penal institution. If a prisoner serving a sentence is convicted in court for an offence for which he/she has served a disciplinary punishment in full or in part, a reasonable amount shall be deducted from the sentence, unless there are justifiable grounds not to make the deduction or for considering the served disciplinary punishment as full punishment for the act.

*Section 16 – Deduction of disciplinary punishments for persons subject to chapter 45 of the Criminal Code*

- (1) A person subject to chapter 45 of this Code may be sentenced through disciplinary procedure to a disciplinary punishment or disciplinary reprimand for an offence referred to in section 2 of the Military Court Procedure Act, as separately provided. If such a person has served punishment or a disciplinary reprimand imposed through disciplinary proceedings either in full or in part and he/she is subsequently sentenced in court for the same offence, the punishment and reprimand that has already been served shall be taken into account to a reasonable extent as a deduction or deemed to be full service of the sentence.
- (2) In calculating the deduction referred to above in subsection 1, one day of loss of liberty corresponds to one day of military confinement, two disciplinary day fines, two days of confinement to quarters or confinement to barracks and three extra duties.

**Chapter 7 - Joint punishment (697/1991)**

*Section 1 - Sentencing to a joint punishment of imprisonment (697/1991)*

- (1) If a person is to be sentenced to imprisonment for two or more offences at one time, he/she shall be sentenced to a joint punishment of imprisonment, unless otherwise provided elsewhere in the law. (751/1997)
- (2) In cases where one offence would be punished by imprisonment and two or more other offences by a fine, the court can pass a joint sentence of imprisonment for all the offences or a joint sentence of imprisonment for some of the offences and, in addition, a fine for the other offences.
- (3) If one offence would be punished by imprisonment for life, a sentence of imprisonment for life shall be passed as a joint punishment for all the offences.

*Section 2 - Maximum and minimum for a sentence of imprisonment for a fixed period (697/1991)*

- (1) When sentencing to a joint punishment, the maximum penalties for the various offences can be exceeded, but the sentence shall not be longer than the sum total of the maximum penalties of the various offences. In addition, the most severe maximum penalty shall not 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 offences.

- (3) The most severe maximum and minimum penalty is defined as 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 offences 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 offences.

Section 3 - *Joint fine* (697/1991)

- (1) If a person should be sentenced at the same time to fines for two or more offences, he/she 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 an Act enacted after 1 June 1969, the joint punishment to a fine shall not be less than the said minimum.
- (3) The above provision does not apply to a threat of a fine enforced as a lump sum.

*(NB. By Act 515/2003, section 3, subsections 2 and 3 are to be replaced by the following new subsections as of 1 January 2004:)*

- (2) The maximum for a joint fine is two hundred and forty day fines. However, a joint fine may not be greater than the sum of the maximum punishments for the separate offences. If a minimum number of day fines has been provided for an offence in an Act enacted after 1 June 1969, the joint fine may not be less than the said minimum. (515/2003; enters into force on 1 January 2004)
- (3) What is provided above does not apply to the threat of a fine imposed in euros. (515/2003; enters into force on 1 January 2004)

Section 4 - *Other sanctions* (697/1991)

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

Section 5 - *Sentencing to a joint punishment*

- (1) When sentencing to a joint punishment of imprisonment or a joint fine the provisions in chapter 6 shall be followed, where applicable.
- (2) When sentencing to a joint punishment the basis is the penalty for the offence which according to the court would carry the most severe penalty. The joint punishment shall be in just proportion also to the number of offences, 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 chapter 6 only applies to one or some of the offences for which a sentence is being passed, it shall be taken into account to a reasonable degree.

Section 6 - *Taking an earlier sentence of imprisonment into account* (751/1997)

- (1) If a person who has been unconditionally sentenced to imprisonment is charged with another offence committed before the sentence was passed, the earlier sentence of imprisonment may be taken into account, to a reasonable degree, as a mitigating circumstance or as a ground for reducing the punishment. In addition, the sentence of imprisonment passed for the new offence may be shorter than the minimum provided for it or it may be deemed that the earlier sentence is a sufficient sanction also for the act which was later taken up for a hearing.
- (2) The judgment of the court shall indicate which earlier sentence or sentences have been taken into account when sentencing under this section.

*Sections 7 - 9 have been repealed.*

Section 7 - *Taking an earlier community service order into account*

When imposing a new punishment, an earlier community service order may be taken into account as is done with an earlier unconditional sentence of



imprisonment pursuant to section 6. (515/2003; enters into force on 1 January 2003)

## Chapter 8 - **Statute of limitations**

### Section 1 (138/1973)

- (1) A sentence shall not be passed if charges have not been brought
  - (1) within twenty years, if the most severe penalty provided for the offence is fixed-term imprisonment for over eight years,
  - (2) within ten years, if the most severe penalty is imprisonment for more than two years and at most eight years,
  - (3) within five years, if the most severe penalty is imprisonment for over a year and at most two years, and
  - (4) within two years, if the most severe penalty is imprisonment for at most a year, or a fine.
- (2) There is no statute of limitations for offences where the most severe penalty is life imprisonment.
- (3) The most severe penalty referred to above means the maximum penalty provided for the offence in the applicable provision, taking into consideration the circumstances manifest in the offence.
- (4) The above provisions apply also to offences in public office. However, the minimum time of limitation for such an offence is five years. (792/1989)

### Section 2 (138/1973)

- (1) Charges shall be deemed to have been brought when the defendant has been legally summonsed to court or a request for his/her punishment has been submitted with him/her present in person. (1256/1988)
- (2) The bringing of charges in a case which later is dismissed without prejudice or where prosecution is not continued shall not be taken into account as regards the statute of limitations.

### Section 3 (138/1973)

- (1) The periods mentioned above in section 1 shall be calculated from the commission of the offence. If a certain consequence is a condition for an act to be punishable, the period shall be calculated from the day when the consequence became evident.
- (2) If charges cannot be brought until an annulment of marriage is petitioned for, the period shall be calculated from the day when the annulment action was brought.

### Section 4 (697/1991)

If the same act comprises several offences, a sentence for all the offences may be passed as long as it may be passed for one of them.

### Section 5 (138/1973)

No offence for which the most severe penalty is other than life imprisonment shall be punishable thirty years after the day mentioned in section 3. If the most severe penalty for the offence is imprisonment for at most two years, dismissal or a fine, no sentence shall be passed fifteen years after the day mentioned in section 3.

### Section 6 (138/1973)

- (1) When the public prosecutor is not to bring charges unless the injured party has requested that charges be brought, no sentence shall be passed unless the injured party has brought charges or has requested that charges be brought within one year of the day he/she gained knowledge of the offence and of the offender.
- (2) If the injured party has died within the period mentioned in paragraph (1) without bringing charges or requesting that charges be brought, or if the injured party had not gained knowledge of the offence and of its offender before dying,

no sentence for an offence referred to in paragraph (1) shall be passed unless the spouse, children, parents or siblings of the injured party have brought charges or requested that charges be brought within one year of the day of the death of the injured party. If the injured party wished that no charges be brought, the relatives mentioned are not 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 paragraph (1), the period provided in this section shall be calculated at the earliest from the date on which the new law entered into force. (769/1990)
- (4) However, no sentence shall be passed for an offence referred to in this section after the period of limitation referred to in sections 1 and 5 has ended. (769/1990)

#### Section 7 (875/2001)

Forfeiture shall not be ordered if the act is not punishable owing to the statute of limitations. However, the minimum limitation period for a request for forfeiture is five years. In any event, if the request for forfeiture pertains to an instrument of crime, as referred to in chapter 10, section 4, or to certain other property, as referred to in chapter 10, section 5, the request for forfeiture is not subject to the statute of limitations.

#### Section 8 (138/1973)

Separate provisions apply to the statute of limitations with regard to penal orders.

#### Section 9 (138/1973)

- (1) A sentence of imprisonment shall lapse if its enforcement has not been started within the periods below, counted from the date when the sentence became final:
  - (1) within twenty years, if the sentence is a fixed term of over eight years,
  - (2) within fifteen years, if the sentence is over four years and at most eight years,
  - (3) within ten years, if the sentence is over one year and at most four years, and
  - (4) within five years, if the sentence is at most one year.
- (2) A sentence of life imprisonment 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 judgment became final. If a postponed conversion sentence is ordered to be enforced, the period mentioned above commences from the date when the final judgment on enforcement was given.

#### Section 10 (138/1973)

If the enforcement of a sentence of imprisonment or a conversion sentence for unpaid fines has been interrupted, or the parole of an offender has been revoked, the provisions in section 9 apply in continuing the enforcement. In fixed-term imprisonment, the period of limitation is determined on the basis of the remaining punishment and, if several punishments have been combined for enforcement, the period of limitation is determined on the basis of the remaining combined punishment. The period of limitation is calculated from the day of interruption and, if a parole is ordered revoked, from the day the final revocation order was given.

#### Section 11 (138/1973)

The enforcement of a fine shall lapse after five years from the day the final judgment was given. If a conversion sentence has been passed, 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 a fine apply also to a threat of a fine that has been enforced.

## Section 12 (875/2001)

Forfeiture shall not be enforced after ten years of the date of the final judgment. However, if the request for forfeiture pertains to an instrument of crime, as referred to in chapter 10, section 4, or to certain other property, as referred to in chapter 10, section 5, the enforcement of the forfeiture shall not lapse.

## Section 13 (138/1973)

Notwithstanding the provisions in sections 11 and 12, enforcement involving distraint which was carried out within the limitation period may be completed for the part of the distrained property.

## Section 14 (138/1973)

A fine and a threat of a fine shall lapse upon the death of the offender. However, enforcement involving distraint which was carried out while the offender was living may be completed for the part of the distrained property.

## Section 15 (138/1973)

- (1) Upon the death of the offender or another person liable for forfeiture, the sanction shall be enforced against the estate of the deceased, unless such forfeiture would be obviously unreasonable.
- (2) If the offender subjected to a forfeiture order has died, the enforcement shall be directed at his/her estate. However, the heirs of the deceased 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, so as to have the court decide whether the enforcement is to lapse due to the manifest 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 forfeiture, shall not exceed the simple amount of the benefit.

Chapter 9 - **Corporate criminal liability** (743/1995)Section 1 - *Scope of application* (61/2003)

- (1) A corporation, foundation or other legal entity<sup>1</sup> in whose operations an offence has been committed may on the request of the public prosecutor be sentenced to a corporate fine if such a 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.

Section 2 - *Prerequisites for liability* (61/2003)

- (1) A corporation may be sentenced to a corporate fine if a person who is part of its statutory organ or other management or who exercises actual decision-making authority therein has been an accomplice in 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 in the operations of the corporation.
- (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 injured party so as to have charges brought, unless there is a very important public interest for the bringing of charges.

Section 3 - *Connection between offender and corporation* (743/1995)

- (1) The offence is 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

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<sup>1</sup> In the following, a "corporation"

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 does not have the right to compensation from the offender for a corporate fine that it has paid, unless such liability is based on separate provisions on corporations and foundations.

#### Section 4 – *Waiving of punishment* (61/2003)

- (1) A court may waive imposition of a corporate fine on a corporation if:
  - (1) the omission referred to in section 2(1) by the corporation is slight, or the participation in the offence by the management or by the person who exercises actual decision-making authority in the corporation is slight; or
  - (2) the offence committed in the operations of the corporation is slight.
- (2) The court may waive imposition of a corporate fine also when the punishment is deemed unreasonable, taking into consideration:
  - (1) the consequences of the offence to the corporation;
  - (2) the measures taken by 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; or
  - (6) where a member of the management of the corporation is sentenced to a punishment, and the corporation is small, the offender owns a large share of the corporation or his/her personal liability for the liabilities of the corporation are significant.

#### Section 5 - *Corporate fine* (971/2001)

A corporate fine is imposed as a lump sum. The corporate fine shall be at least EUR 850 and at most EUR 850,000.

#### Section 6 - *Basis for calculation of the corporate fine* (743/1995)

- (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 section 2, 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 organs of the corporation; whether the violation of the duties of the corporation manifests heedlessness of the law or the orders of the authorities; as well as the grounds for sentencing provided elsewhere in the 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.

#### Section 7 – *Waiving of the bringing of charges* (61/2003)

- (1) The public prosecutor may waive the bringing of charges against a corporation, if:
  - (1) the corporate neglect or participation of the management or of the person exercising actual decision-making power in the corporation, as referred to in section 2(1), has been of minor significance in the offence, 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 the case referred to in section 4(2)(3), has already been sentenced to a punishment and it is to be anticipated that the corporation for this reason is not to be sentenced to a corporate fine.
- (3) Service of a decision not to bring charges against a corporation or to withdraw charges against a corporation shall be given by post or through application as appropriate of what is provided in chapter 11 of the Code of Judicial Procedure.
- (4) The provisions of chapter 1, sections 10 and 11 of the Criminal Procedure Act (689/1997) on the waiving of charges apply correspondingly to the decision. In

the case referred to in chapter 1, section 1(1) of the Act the prosecutor shall instead of the question of culpability, submit to the consideration of the court the question of the existence of grounds for corporate criminal liability.

- (5) The provisions of chapter 1, section 12 of the Criminal Procedure Act on the revocation of charges apply to the revocation of charges on the basis of subsection 1. However, service of the revocation shall only be given to the corporation.

Section 8 - *Joint corporate fine* (743/1995)

- (1) If a corporation is to be sentenced for two or more offences at one time, a joint sentence of corporate fine shall be passed in accordance with the provisions in sections 5 and 6.
- (2) No joint punishment shall be passed 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 sentencing to the new punishment.

Section 9 - *Statute of limitations* (743/1995)

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

Section 10 – *Enforcement of a corporate fine* (673/2002)

- (1) A corporate fine is enforced in the manner provided in the Enforcement of Fines Act (672/2002).
- (2) A conversion sentence may not be imposed in place of a corporate fine.

Chapter 10 — **Forfeiture** (875/2001)

Section 1 — *General prerequisites of forfeiture* (875/2001)

- (1) A prerequisite for a forfeiture order is an act criminalised by law (*offence*).
- (2) A forfeiture order may be based on an act criminalised by law also
- (1) where the person committing the act has not attained the age of fifteen years at the material time, or is without criminal capacity;
- (2) where the person committing the act is free from criminal liability by virtue of chapter 3, section 9, 10 or 10a, or for a comparable reason; or
- (NB. By Act 515/2003, section 1(2)(2) is to be replaced by the following new paragraph as of 1 January 2004:)
- (2) where the person committing the act is exempt from criminal liability pursuant to chapter 4, section 2, 4(2), 5(2), 6(3) or chapter 45, section 26b(2); or (515/2003; enters into force on 1 January 2003)
- (3) where a corporation can be sentenced to a punishment in accordance with chapter 9 even if the individual committing the offence cannot be identified or sentenced to a punishment for some other reason.

Section 2 — *Forfeiture of the proceeds of crime* (875/2001)

- (1) The proceeds of crime shall be ordered forfeit to the State. The forfeiture shall be ordered on the offender, a participant or a person on whose behalf or to whose advantage the offence has been committed, where these have benefited from the offence.
- (2) If there is no evidence as to the amount of the proceeds of crime, or if such evidence is difficult to present, the proceeds shall be estimated, taking into

account the nature of the offence, the extent of the criminal activity and the other circumstances.

- (3) Forfeiture of the proceeds of crime shall not be ordered in so far as they have been returned to the injured party, or in so far as they have been or will be ordered to be reimbursed to the injured party by way of compensation or restitution. If a claim for compensation or restitution has not been filed or if the claim has not been decided when the request for forfeiture is being decided, the forfeiture shall be ordered.

Section 3 — *Extended forfeiture of the proceeds of crime (875/2001)*

- (1) A full or partial forfeiture of property to the State may be ordered
- (1) on a person who is found guilty of an offence which carries a possible penalty of imprisonment for at least four years, a punishable attempt of such an offence, or an offence referred to in chapter 32, sections 1 or 6, chapter 46, section 4, chapter 50, sections 1 or 4, of this Code, or in section 82 of the Alcohol Act (459/1968), and
  - (2) on a participant in an offence referred to in paragraph (1) above and on a person on whose behalf or to whose advantage the said offence has been committed,

provided that the nature of the offence is such that it may result in considerable financial proceeds and that there is reason to believe that the property is fully or partially derived from criminal activity that is not to be considered insignificant.

(61/2003)

- (2) Moreover, a full or partial forfeiture of property, referred to in paragraph (1), to the State may be ordered
- (1) on a person whose relationship to a person referred to in paragraph (1) is one covered by section 3(1) of the Act on the Recovery of Assets to Bankruptcy Estates (758/1991) (*close person*) and
  - (2) on a private entrepreneur, a company, another corporation or foundation whose relationship to a person referred to in paragraph (1) or a close person of his/hers is one covered by section 3(2)(1) or 3(2)(2) of the Act on the Recovery of Assets to Bankruptcy Estates,
- if there is reason to believe that the property has been conveyed to the same in order to avoid forfeiture or liability.
- (3) A forfeiture referred to in paragraph (2) shall not be ordered if the property has been conveyed more than five years before the commission of the offence referred to in paragraph (1).
- (4) If the same forfeiture is ordered on several persons, their liability is joint and several.

Section 4 — *Forfeiture of an instrument of crime (875/2001)*

- (1) The following instruments shall be ordered forfeit to the State, when used in the commission of an offence:
- (1) a firearm, edged weapon or another similar lethal instrument, and
  - (2) any other object or property the possession of which is punishable.
- (2) Also the following may be ordered forfeit to the State:
- (1) an object or property that has been used in the commission of a deliberate offence, and
  - (2) an object or property that is closely connected to a deliberate offence under trial, where it has been obtained or prepared solely or mainly for the deliberate offence or where its characteristics make it especially suitable as an instrument of a deliberate offence.
- (3) In the assessment of the need for forfeiture, specific note shall be taken of the prevention of further offences.

Section 5 — *Forfeiture of certain other property (875/2001)*

- (1) An object or property which has been produced, manufactured or brought about by way of an offence, or to which an offence has been directed, shall be ordered forfeit to the State if its possession is punishable.

- (2) An object or property which has been produced, manufactured or brought about by way of an offence, or to which an offence has been directed, may be ordered fully or partially forfeit, if forfeiture is necessary:
  - (1) owing to the object or property being hazardous to health or the environment;
  - (2) in order to prevent further offences, where the object or property is especially suitable as a target of an offence or as an instrument of crime;
  - (3) in order to achieve the objective of provisions or orders pertaining to economic regulation, import or export; or
  - (4) in order to achieve the objective of provisions or orders for the protection of nature and the environment.
- (3) A container, packaging or other material used for the storage of an object or property that is to be ordered forfeit may likewise be ordered forfeit, if the forfeiture of the object or property cannot otherwise be enforced without undue inconvenience.

#### Section 6 — *Restrictions on forfeiture* (875/2001)

- (1) An object or property referred to in section 4 or 5 shall not be ordered forfeit if it belongs in full or in part to someone else than the offender, a participant or a person on whose behalf or with whose consent the offence has been committed. However, the object or property may be ordered forfeit from a person to whom it has been conveyed after the commission of the offence, if, when receiving it, he/she knew or had justifiable reason to believe that the object or property was linked to an offence, or if he/she has received it as a gift or otherwise free of charge.
- (2) Regardless of ownership, an object or property shall be ordered forfeit if also the owner would commit an offence by having the object or property in his/her possession.

#### Section 7 — *Lapse of forfeiture* (875/2001)

- (1) Upon deciding a request for forfeiture, the court may on the consent of the defendant order that the forfeiture is to lapse if the object or property referred to in section 4 or 5 is within a given period altered as specified in the judgment, or other measures specified in the judgment are carried out thereon, with the result that the forfeiture becomes unnecessary thereby.
- (2) An enforcement officer shall monitor compliance with the specifications in the judgment and decide whether the forfeiture is to lapse. The person subject to the forfeiture has standing to appeal against the decision in accordance with the procedure on enforcement appeals. For a special reason, the enforcement officer may extend the period referred to in paragraph (1). The Legal Register Centre shall be notified of a lapse of forfeiture.
- (3) The person subject to the forfeiture is liable for the costs of alteration and the other enforcement of the judgment.

#### Section 8 — *Forfeiture of value* (875/2001)

- (1) If an object or property referred to in section 4 or 5 cannot be ordered forfeit owing to a restriction referred to in section 6(1), or because the object or property has been hidden or is otherwise inaccessible, a full or partial forfeiture of the value of the object or property may be ordered on the offender, a participant or a person on whose behalf or with whose consent the offence has been committed. In addition, the forfeiture of value may be ordered on a person to whom the object or property has been conveyed, if, when receiving it, he/she knew or had justifiable reason to believe that the object or property was linked to an offence, or if he/she has received it as a gift or otherwise free of charge.
- (2) However, the forfeiture of value shall not be ordered if the person referred to in paragraph (1) shows that the object or property has probably been destroyed or consumed.
- (3) If the forfeiture of the value of the same object or property is ordered on several persons, their liability is joint and several. However, a person on whom the

forfeiture of value has not been ordered in full, is liable only to the amount mentioned in the judgment.

Section 9 — *Request for forfeiture* (875/2001)

- (1) Forfeiture shall be ordered on the request of a prosecutor or an official referred to in section 3 of the Act on Penal Order Procedure (692/1993). Also an injured party may make a request for forfeiture when prosecuting a charge on his or her own in accordance with chapter 7 of the Criminal Procedure Act (689/1997).
- (2) Chapter 1, section 8b, of the Criminal Procedure Act contains provisions on the grounds on which a prosecutor may decline to make a request for forfeiture. (650/2003)

Section 10 — *Adjustment of forfeiture* (875/2001)

- (1) Forfeiture need not be ordered, if:
  - (1) the proceeds of crime are, or the value of the object or property is, insignificant;
  - (2) the punishment of the offender is waived in accordance with chapter 3, section 5(3) or (4), or another corresponding provision; or
  - (3) the forfeiture would be unreasonable in view of the nature of the offence and the object or property, the financial standing of the defendant, and the other circumstances.
- (2) On the conditions referred to in paragraph (1), the forfeiture may be ordered on value instead of the object or property, or only a part of the object, property or value. Likewise, a partial forfeiture of the object or property and a partial forfeiture of the value may be ordered. A partial forfeiture of the proceeds of crime may also be ordered.

Section 11 — *Miscellaneous provisions* (875/2001)

- (1) When the forfeiture liability of someone else than the suspect or the defendant is being looked into in a pre-trial investigation or in a trial, the procedural provisions on the suspect or the defendant apply to that person in so far as appropriate.
- (2) If compensation or restitution has been paid or ordered to be paid after the issue of the decision referred to in section 2(3), the forfeiture may be enforced to a correspondingly reduced amount. If the forfeiture has already been enforced, the amount may be ordered to be paid from State funds. An action to this effect shall be brought in the District Court of the plaintiff's domicile or the District Court of Helsinki within five years from the date when the judgment containing the forfeiture order became final. The State, represented by the Legal Register Centre, is the defendant in such a case.
- (3) A person who in good faith has obtained a mortgage, a lien or a right of retention to an object or property referred to in section 4 or 5 and ordered forfeit may foreclose on the same regardless of whether the underlying receivable has become due. An action to this effect shall be brought as provided in paragraph (2). Failing this, the mortgage, lien or right of retention expires.

Chapter 11 - **War crimes and offences against humanity** (578/1995)

Section 1 - *War crime* (578/1995)

- (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 is punishable.



Section 2 - *Aggravated war crime* (578/1995)

- (1) If in the war crime
  - (1) several people are put in mortal danger;
  - (2) very serious and extensive economic damage is caused; 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 is punishable.

Section 3 - *Petty war crime* (578/1995)

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.

Section 4 - *Violation of human rights in a state of emergency* (578/1995)

- (1) A person who violates or fails to comply with the rules on the protection 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 *violation of human rights in a state of emergency* to imprisonment for at least four months and at most six years.
- (2) An attempt is punishable.
- (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 a violation of human rights in a state of emergency or an attempt thereof, but instead for the other offences manifest in the act.

Section 5 - *Aggravated violation of human rights in a state of emergency* (578/1995)

- (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 *aggravated violation of human rights in a state of emergency* to imprisonment for at least two and at most twelve years.
- (2) An attempt is punishable.

Section 6 - *Genocide* (578/1995)

- (1) A person who for the purpose of entirely or partially destroying a race, a 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 essentially impairs the survival of the group
 shall be sentenced for *genocide* to imprisonment for at least four years or for life.
- (2) An attempt is punishable.

Section 7 - *Preparation of genocide* (578/1995)

A person who for the purpose referred to in section 6

- (1) conspires with another to commit genocide; or
  - (2) makes a plan for genocide
- shall be sentenced for *preparation of genocide* to imprisonment for at least four months and at most four years.

Section 7a - *Breach of the prohibition of chemical weapons* (351/1997)

A person, who in breach of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction

- (1) uses chemical weapons in a manner not referred to in sections 1 - 3 of this chapter,
  - (2) develops, produces, otherwise procures, stockpiles, possesses or transports chemical weapons, or
  - (3) participates in military preparations for the use of chemical weapons,
- shall be sentenced for *breach of the prohibition of chemical weapons* to imprisonment for at least four months and at most six years.

Section 7 b - *Breach of the prohibition of biological weapons* (17/2003)

A person who

- (1) uses a biological or a toxin weapon in a manner not referred to in sections 1 through 3 of this chapter,
  - (2) unlawfully prepares, transports or delivers a biological weapon or a toxin weapon, or
  - (3) in violation of an international convention on the development, production and storage of bacteriological (biological) and toxin weapons and on their destruction develops, prepares, otherwise procures, stores or possesses a biological weapon or a toxin weapon or weapons, devices or equipment for the dissemination of a biological weapon or a toxin weapon,
- shall be sentenced, unless the same or a more severe penalty for the act has been provided elsewhere in the law, for a *breach of the prohibition of biological weapons* to imprisonment for at least four months and at most six years.

Section 8 - *Ethnic agitation* (578/1995)

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

Section 9 - *Discrimination* (578/1995)

A person who in his/her 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 applicable conditions;
  - (2) refuses someone entry to the amusement or meeting or ejects him/her; or
  - (3) places someone in an unequal or an essentially inferior position
- owing to his/her 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** (578/1995)Section 1 - *Compromising the sovereignty of Finland* (578/1997)

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.

#### Section 2 - *Warmongering* (578/1995)

If a person in Finland or a Finnish citizen outside of Finland, during an ongoing or imminent military crisis or international political crisis, for the purpose of causing Finland to be at war or the target 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 target of a military operation, that person shall be sentenced for *warmongering* to imprisonment for at least one and at most ten years.

#### Section 3 - *Treason* (578/1995)

- (1) A Finnish citizen who, during an ongoing 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 Finland

shall be sentenced for *treason* to imprisonment for at least one and at most ten years.

- (2) Also a foreigner who commits an act referred to in paragraph (1)(4) while in Finland or in the service of Finland shall be sentenced for treason.

- (3) An attempt is punishable.

- (4) An act which is committed during occupation and which is evidently necessary for the safeguarding of the survival of the population is not considered favouring the enemy, as referred to in paragraph (1)(4).

#### Section 4 - *Aggravated treason* (578/1995)

- (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 Finland
- and 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 is punishable.

#### Section 5 - *Espionage* (578/1995)

- (1) A person who for the purpose of favouring a foreign state or damaging Finland procures information on a matter concerning the 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 the 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 paragraph (1) shall also be sentenced for espionage.
- (3) An attempt is punishable.
- (4) A person serving in the armed forces of the enemy may be sentenced for espionage only if he/she, concealing that service, stays in Finland or in the theatre of operations of the Finnish armed forces. The person shall not be sentenced for acts of espionage other than that in which he/she was caught.

Section 6 - *Aggravated espionage* (578/1995)

- (1) If the espionage
  - (1) is committed during a state of emergency;
  - (2) relates to a matter which is especially important to the Finnish defence, national security, foreign relations or economy; or
  - (3) is conducive to causing especially serious damage, as referred to in section 5
 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 is punishable.

Section 7 - *Disclosure of a national secret* (578/1995)

- (1) A person who unlawfully publishes or relays, delivers or discloses to another or, for such purpose, unlawfully obtains information on a matter that has been classified as secret by statute or by administrative order so as to safeguard the Finnish national security, or that to the knowledge of the offender is conducive to causing serious damage to the 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 is punishable.

Section 8 - *Negligent disclosure of a national secret* (578/1995)

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.

Section 9 - *Unlawful intelligence operations* (578/1995)

- (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 intelligence operations* to imprisonment for at least four months and at most six years.
- (2) An attempt is punishable.

Section 10 - *Violation of the rules of neutrality* (578/1995)

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

Section 11 - *Treasonable conspiracy* (578/1995)

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** (578/1995)

### Section 1 - *High treason* (578/1995)

- (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 Government or Parliament or completely or partially prevents or attempts to prevent them from exercising their authority shall also be sentenced for high treason.

### Section 2 - *Aggravated high treason* (578/1995)

- (1) If in the high treason
- (1) the offender is the President of the Republic, a member of the Government or another person belonging to the highest political or military command of the state;
  - (2) the offence is committed by employing armed troops;
  - (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.

### Section 3 - *Preparation of high treason* (578/1995)

- (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 stockpiles firearms, ammunition or other comparable instruments of violence;
  - (3) provides training in the use of firearms or other comparable instruments of 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.
- (2) 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.

### Section 4 - *Unlawful military operations* (578/1995)

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 organises or provides military training in the association, shall be sentenced for *unlawful military operations* to a fine or to imprisonment for at most two years.

## Chapter 14 - **Offences against democracy** (578/1995)

### Section 1 - *Electoral offence* (578/1995)

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.

### Section 2 - *Electoral bribery* (578/1995)

A person who

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

### Section 3 - *Fraudulent voting* (578/1995)

- (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 is punishable.

### Section 4 - *Falsification of election returns* (578/1995)

- (1) A person who for the purpose of falsifying or obscuring the returns of a general election or referendum
  - (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 *falsification of election returns* to a fine or to imprisonment for at most two years.
- (2) An attempt is punishable.

### Section 5 - *Violation of political freedom* (578/1995)

- (1) A person who by violence or by a threat of serious injury to the wellbeing of another prevents him/her from
  - (1) expressing his/her 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, or
  - (3) founding an association intended for the exercise of influence over public affairs or joining, belonging to or being active in such an association,
 shall be sentenced for *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 paragraph (1) makes another to involuntarily express his/her 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 join, belong to or be active in an association intended for the exercise of influence over public affairs.
- (3) An attempt is punishable.

### Section 6 - *Prevention of a public meeting* (578/1995)

- (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 *prevention of a public meeting* to a fine or to imprisonment for at most two years.

- (2) An attempt is punishable.

Section 7 - *Definitions* (1010/1995)

- (1) For the purposes of this chapter, *general election* is defined as a state election, an election to the Åland Legislative Assembly, a municipal election, an election to the European Parliament and a general church election.
- (2) For the purpose of this chapter, *referendum* is defined as a State and a local referendum.

Chapter 15 - **Offences against the administration of justice** (563/1998)

Section 1 - *False statement before a court of law* (563/1998)

- (1) If, before a court of law,
- (1) a witness or an expert witness,
  - (2) a party to the matter, when heard under affirmation, or
  - (3) another person, under oath or affirmation,
- makes a false statement in the matter or without lawful cause conceals a pertinent circumstance, that person shall be sentenced for a *false statement before a court of law* to imprisonment for at most three years.
- (2) What is provided above in section 1 applies also when a person is heard in the main hearing by video conference, telephone or another technical means of communication referred to in chapter 17, section 34a of the Code of Judicial Procedure, without he/she being present in person. (361/2003)

Section 2 - *False statement in official proceedings* (563/1998)

- (1) If
- (1) in official proceedings comparable to a trial, someone under oath or affirmation,
  - (2) when being questioned in person in criminal investigations, someone else than the suspect, or
  - (3) when being questioned in a police inquiry or in comparable official proceedings, a person not referred to in section 38(2) of the Police Act (493/1995),
- makes a false statement in the matter or without lawful cause conceals a pertinent circumstance, that person shall be sentenced for a *false statement in official proceedings* to a fine or to imprisonment for at most two years.
- (2) The legal representative of a corporation, when heard in a criminal investigation for the determination of corporate criminal liability, has the status of a suspect in the matter.

Section 3 - *Aggravated false statement before a court of law* (563/1998)

If, in a false statement referred to in section 1,

- (1) serious danger arises of the court sentencing an innocent person to imprisonment or to another severe penalty, or someone to a significantly more severe penalty than what would otherwise be the case, or that the court otherwise is very likely to make a wrong decision causing very considerable damage to a party,
  - (2) the falsehood or the concealment pertains to an especially important circumstance, or
  - (3) the offence is committed in an especially methodical manner,
- and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated false statement before a court of law* to imprisonment for at least four months and at most six years.

Section 4 - *Negligent false statement* (563/1998)

A person who

- (1) as a witness or expert witness before a court of law, or
- (2) under a party's affirmation, oath or affirmation before a court of law or in official proceedings comparable to a trial,

negligently makes a false statement or conceals a pertinent circumstance, shall be sentenced for a *negligent false statement* to a fine or to imprisonment for at most six months.

Section 5 - *Attempted incitement to a false statement* (563/1998)

A person who attempts to incite another person to commit an offence referred to in sections 1 - 3 shall be sentenced for *attempted incitement to a false statement* to a fine or to imprisonment for at most one year.

Section 6 - *False denunciation* (563/1998)

A person who makes a false statement to an authority carrying out a criminal investigation, another authority or a court of law, thereby causing danger that the denounced person is wrongly arrested or detained or subjected to other coercive measures, or that a charge is wrongly brought against him/her, or that he/she is wrongly sentenced to a punishment or other penal sanction, shall be sentenced for a *false denunciation* to a fine or to imprisonment for at most three years.

Section 7 - *Falsification of evidence* (563/1998)

- (1) A person, who for the purpose of having an innocent person sentenced or otherwise to cause damage to another person, conceals, defaces, alters or otherwise falsifies an object, document or other item necessary as evidence before a court of law or in criminal investigations, shall be sentenced for *falsification of evidence* to a fine or to imprisonment for at most two years.
- (2) A sentence for falsification of evidence shall be passed also on a person who, for a purpose referred to in paragraph (1), submits a piece of evidence that he/she knows to be false or falsified to be used as evidence before a court of law or in criminal investigations, or himself/herself uses it in a misleading manner.

Section 8 - *Aggravated falsification of evidence* (563/1998)

If, in the falsification of evidence,

- (1) serious danger arises of an innocent person being sentenced to imprisonment or to another severe penal sanction,
  - (2) the offence pertains to very important evidence, or
  - (3) the offence is committed in a particularly methodical manner,
- and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated falsification of evidence* to imprisonment for at least four months and at most six years.

Section 9 - *Threatening a person to be heard in the administration of justice* (563/1998)

A person who unlawfully

- (1) by violence or threats prevents or attempts to prevent another person from making a statement as a witness, expert witness, other person to be heard or a party in a trial, criminal investigation, police inquiry or other comparable official proceedings, or influences or attempts to influence the contents of the statement, or
- (2) employs violence or threatens violence against another person or a person related to him/her in the manner referred to in section 10(2) because of a statement made by him/her in the context referred to above,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for *threatening a person to be heard in the administration of justice* to a fine or to imprisonment for at most three years.

Section 10 - *Failure to report a serious offence* (563/1998)

- (1) A person who knows of imminent genocide, preparation of genocide, breach of the prohibition of chemical weapons, breach of the prohibition of biological weapons, compromising of the sovereignty of Finland, treason, aggravated treason, espionage, aggravated espionage, high treason, aggravated high treason, rape, aggravated rape, aggravated sexual abuse of a child, murder, manslaughter, killing, aggravated assault, robbery, aggravated robbery, kidnapping, hostage taking, aggravated criminal mischief, aggravated



endangerment of health, nuclear device offence, hijacking, an offence committed with terrorist intent referred to in chapter 34 a, section 1(1)(3), aggravated impairment of the environment or aggravated narcotics offence, and fails to report it to the authorities or the endangered person in time to prevent the offence, shall be sentenced, if the offence or a punishable attempt is committed, for a *failure to report a serious offence* to a fine or to imprisonment for at most six months. (17/2003)

- (2) However, a person shall not be sentenced for a failure to report a serious offence, if, in order to prevent the offence, he/she would have had to denounce a spouse, a sibling, a direct ascendant or descendant, a person living in the same household or a person who is close owing to another comparable personal relationship.

#### Section 11 - *Harbouring an offender* (563/1998)

- (1) A person who, after becoming aware of an offence, by furthering the escape of the offender or by destroying evidence prevents or attempts to prevent the criminal liability of the offender, shall be sentenced for *harbouring an offender* to a fine or to imprisonment for at most one year.
- (2) The provision in paragraph (1) does not apply to a participant in the offence nor to a person whose relationship with the offender is referred to in section 10(2); neither does the provision apply to offences for which the most severe penalty provided does not exceed imprisonment for six months.

#### Section 12 - *False statement abroad* (563/1998)

For purposes of application of the provisions on false statement, a court of law means also the International Court of Justice, established by the Charter of the United Nations, and the other tribunals set up by that organisation, a court of Iceland, Norway, a member state of the European Communities and the European Union, as well as a court in another foreign country, when extending legal assistance to a Finnish court.

#### Section 12 a - *Offences against administration of justice by the International Criminal Court* (604/2002)

In the application of the provisions on false statement, false denunciation, falsification of evidence and threatening a person to be heard in the administration of justice, a court of law refers also to the International Criminal Court, and a criminal investigation refers also to an investigation referred to in the Charter of the International Criminal Court.

#### Section 13 - *Restrictive provision* (563/1998)

The provisions on false statement do not apply if

- (1) the person making the statement corrects it or reveals the concealed circumstance before the hearing or questioning is concluded, or
- (2) to keep to the truth has been impossible without the person heard becoming himself/herself liable for an offence or a comparable unlawful act.

### Chapter 16 - **Offences against the public authorities** (563/1998)

#### Section 1 - *Violent resistance to a public official* (563/1998)

- (1) A person who
- (1) employs or threatens violence so as to force a public official to perform or to refrain from performing an official act involving the exercise of public authority,
- (2) otherwise employs or threatens violence against the public official because of the official act being carried out, or
- (3) employs violence against a public official or a related person, as referred to in chapter 15, section 10(2), in order to revenge the official act,

shall be sentenced for *violent resistance to a public official* to imprisonment for at least four months and at most four years.

- (2) Also a person who behaves in the manner referred to in subsection 1 towards a person who, at the request or with the consent of a public official, assists the public official in an official duty involving the exercise of public authority shall be sentenced for violent resistance to a public official. (604/2002)

Section 2 - *Resistance to a public official* (563/1998)

If the violent resistance to a public official, taking into account the minor significance of the violence or threat or the other circumstances of the offence, is to be deemed committed under mitigating circumstances, when assessed as a whole, the offender shall be sentenced for *resistance to a public official* to a fine or to imprisonment for at most six months.

Section 3 - *Obstruction of a public official* (563/1998)

- (1) A person who, without employing or threatening violence, prevents or attempts to prevent an official act, as referred to in section 1, or makes it more difficult to carry out, shall be sentenced for *obstruction of a public official* to a fine.
- (2) Also a person who behaves in the manner referred to in subsection 1 towards a person who, at the request or with the consent of a public official, assists the public official in an official duty involving the exercise of public authority shall be sentenced for obstruction of a public official. (604/2002)

Section 4 - *Contumacy to the police* (563/1998)

A person who

- (1) fails to obey an order or prohibition issued by a police officer, within his/her competence, for the maintenance of public order or security or the performance of a duty,
- (2) refuses to provide a police officer with the identifying information referred to in section 10(1) of the Police Act,
- (3) fails to obey a police officer's clearly visible signal or order for stopping or moving a vehicle, as referred to in section 21 of the Police Act,
- (4) neglects the duty to provide assistance, as referred to in section 45 of the Police Act, or
- (5) alerts the police without reason or, by providing false information, hinders police operations,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for *contumacy to the police* to a fine or to imprisonment for at most three months.

Section 5 - *False identity* (563/1998)

A person who in order to mislead a public authority provides a false name or otherwise provides false or misleading information on his/her identity, or for this purpose uses another person's identity card, passport, driver's license or other such certificate, shall be sentenced for *false identity* to a fine or to imprisonment for at most six months.

Section 6 - *Fine deception* (563/1998)

A person who in order to gain an economic advantage provides a public authority, for the purpose of imposing a fine, essentially false or misleading information on his/her income, assets, maintenance liability or other circumstance affecting his/her solvency, shall be sentenced for *fine deception* to a fine or to imprisonment for at most three months.

Section 7 - *Registration offence* (563/1998)

- (1) A person who
- (1) in order to cause a legally relevant error in a public register kept by a public authority, provides false information to that authority, of
  - (2) in order to gain a benefit for himself/herself or another person, or in order to cause damage to another person, takes advantage of an error caused in the manner referred to in subparagraph(1),

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

- (2) An attempt is punishable.

Section 8 - *Providing false documents to a public authority* (563/1998)

- (1) A person who provides a public authority with a legally relevant false written document or a comparable technical record or, after having produced such a document or record, gives it to another person to be used for this purpose, shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *providing false documents to a public authority* to a fine or to imprisonment for at most six months.
- (2) A sentence for providing false documents to a public authority shall be passed also on a person pursuing an activity under the specific supervision of an authority, the representative or employee of such a person, and an auditor of the corporation under supervision, who during a statutory inspection or when otherwise fulfilling a statutory reporting duty provides the supervising authority with legally relevant false oral information.

Section 9 - *Impersonating a public official* (563/1998)

A person who in order to mislead another person

- (1) without a legal right undertakes measures that can only be undertaken by the competent official exercising public authority, of
- (2) otherwise represents himself/herself as a public official on duty and exercising public authority,

shall be sentenced for *impersonating a public official* to a fine or to imprisonment for at most six months.

Section 9a - *Violation of a restraining order* (902/1998)

If a person subject to a restraining order or a temporary restraining order violates the order, as laid down in the pertinent decision, he/she shall be sentenced for *violation of a restraining order* to a fine or to imprisonment for at most one year.

Section 10 - *Breach of an official prohibition pertaining to property* (563/1998)

- (1) A person who unlawfully
- (1) breaks a lock, seal, barrier or mark installed by a public authority and intended for the closure or isolation of an object or other location, or otherwise breaks into such an object or location closed by the authority,
- (2) forces his/her way into a building or room closed by a public authority or otherwise breaches a prohibition issued, for the investigation of crime, on the basis of chapter 6, section 2 of the Coercive Measures Act,
- (3) handles property that has been seized, seized for security, confiscated or ordered by a public authority not to be moved, or
- (4) in violation of a prohibition on alienation or other official prohibition alienates or conveys property or in violation of a payment freeze pays a debt or wage,
- shall be sentenced for a *breach of an official prohibition pertaining to property* to a fine or to imprisonment for at most one year.
- (2) For the purposes of paragraph (1)(1), a public authority means Finnish authorities and also foreign customs authorities.

Section 11 - *Breach of a prohibition to pursue a business* (563/1998)

- (1) A person who breaches a prohibition to pursue a business or a temporary prohibition to pursue a business shall be sentenced for a *breach of a prohibition to pursue a business* to a fine or to imprisonment for at most two years.
- (2) A sentence for a breach of a prohibition to pursue a business shall be passed also on a person who acts as an intermediary for another so as to evade a prohibition to pursue a business.

Section 12 - *Destroying evidence in the possession of the authorities* (563/1998)

A person who unlawfully destroys, appropriates, damages or renders useless a document or other evidence in a public archive or in the possession of a public authority, or a public register maintained by an authority or a part of such a register, shall be sentenced for *destroying evidence in the possession of the authorities* to a fine or to imprisonment for at most two years.

Section 13 – *Bribery* (604/2002)

- (1) A person who promises, offers or gives to a public official or gives a public official in exchange for his/her actions in service a gift or other benefit intended for him/her or for another, that influences or is intended to influence or is conducive to influencing the actions in service of the public official, shall be sentenced for *bribery* to a fine or to imprisonment for at most two years.
- (2) Also a person who, in exchange for the actions in service of a public official, promises, offers or gives the gift or benefit referred to in subsection 1 shall be sentenced for bribery.

Section 14 - *Aggravated bribery* (563/1998)

If in the bribery

- (1) the gift or benefit is intended to make the person act in service contrary to his/her duties with the result of considerable benefit to the briber or to another person or of considerable loss or detriment to another person; or
  - (2) the value of the gift or benefit is considerable
- and the bribery is aggravated also when assessed as whole, the offender shall be sentenced for *aggravated bribery* to imprisonment for at least four months and at most four years.

Section 14 a – *Bribery of a member of Parliament* (604/2002)

A person who promises, offers or gives a member of Parliament a gift or other unlawful benefit intended for him/her or for another, so that said member of Parliament would, in exchange for the benefit and in his/her parliamentary mandate, act so that a matter being considered or to be considered by Parliament would be decided in a certain way, shall be sentenced for *bribery of a member of Parliament* to a fine or to imprisonment for at most four years.

Section 15 - *Unlawful release of a prisoner* (563/1998)

- (1) A person who unlawfully
  - (1) releases a prisoner, detained person, arrested person or apprehended person or a person serving a sentence of confinement referred to in the Military Discipline Act (331/1983) from a prison or other place of custody, or from the custody of an official or soldier guarding, escorting or transporting that person, or assists in the escape of that person, or
  - (2) prevents a competent official or soldier from apprehending a person who is on the run and whose detention or arrest has been ordered,
 shall be sentenced for *unlawful release of a prisoner* to a fine or to imprisonment for at most two years.
- (2) An attempt is punishable.

Section 16 - *Prisoner's escape* (563/1998)

A prisoner, detained person, arrested person or apprehended person in the custody of the authorities, of a person in confinement as referred to in the Military Discipline Act, who escapes or attempts to escape from a penitentiary or other custodial institution, or from the custody of a person guarding, escorting or transporting him/her, shall be sentenced for *prisoner's escape* to a fine or to imprisonment for at most one year.

Section 17 - *Prisoner's procurement of a weapon* (563/1998)

A prisoner, detained person, arrested person or apprehended person in the custody of the authorities, of a person in confinement as referred to in the Military Discipline Act, who in violation of a prohibition brought to his/her knowledge produces, procures or possesses a firearm or edged weapon or other

comparable lethal instrument, shall be sentenced for *prisoner's procurement of a weapon* to a fine or to imprisonment for at most one year.

Section 18 - *Corporate criminal liability* (604/2002)

The provisions on corporate criminal liability apply to bribery, aggravated bribery, and bribery of a member of Parliament.

Section 19 - *Restrictive provision* (563/1998)

The provisions in sections 1 - 3 of this chapter do not apply to acts referred to in chapter 17, section 6.

Section 19a - *Offences directed against the International Criminal Court* (1285/2000)

In sections 1 - 3, 13 and 14 of this chapter, an official refers also to a person in the service of the International Criminal Court.

Section 20 - *Provisions on the scope of application* (604/2002)

- (1) In applying sections 1 through 3 of this chapter, a person elected to a public official as referred to in chapter 40, section 11, a foreign public official acting in the service of the International Criminal Court or in Finnish territory on the basis of an international agreement or other international obligation in inspection, surveillance, pursuit or pre-trial investigation duties, a person exercising public authority and a soldier on duty, are equated with a civil servant as the object of the criminal act.
- (2) In applying section 9 of this chapter, a person elected to a public office as referred to in chapter 40, section 11, a foreign public official acting in the service of the International Criminal Court or in Finnish territory on the basis of an international agreement or other international obligation in inspection, surveillance, pursuit or pre-trial investigation duties, a person exercising public authority, are equated with a public official.
- (3) In applying sections 13 and 14 of this chapter, a person elected to a public office, an employee of a public corporation, a foreign public official, a person exercising public authority and a soldier referred to in chapter 40, section 11 are equated with a public servant as the object of the criminal act.
- (4) For the purposes of section 14 a of this chapter, a member of a foreign Parliament referred to in chapter 40, section 11 is equated with a member of Parliament as the object of the criminal act.
- (5) In applying sections 1 through 3, 9, 13 and 14 of this chapter, if provisions other than in this Code pertain to the application of provisions on criminal liability to persons other than those referred to in subsections 1 through 4, he/she is equated with a public servant as the object of the criminal act.

Chapter 17 - **Offences against public order** (563/1998)

Section 1 - *Public incitement to an offence* (563/1998)

- (1) A person who through the mass media or publicly in a crowd or in a generally published writing or other presentation exhorts or incites anyone into the commission of an offence, so that the exhortation or incitement
  - (1) causes a danger of the offence or a punishable attempt being committed, or
  - (2) otherwise clearly endangers public order or security,
 shall be sentenced for *public incitement to an offence* to a fine or to imprisonment for at most two years.
- (2) If the exhortation or incitement causes the commission of an offence or a punishable attempt, also the provisions on participation in chapter 5 apply.

Section 1 a - *Participation in the activity of a criminal organisation* (142/2003)

- (1) A person who
  - (1) by establishing or organising a criminal organisation or by recruiting or attempting to recruit persons for it,

- (2) by equipping or attempting to equip a criminal organisation with explosives, weapons, ammunition or substances or goods intended for their production or other dangerous objects or substances,
  - (3) by arranging, attempting to arrange or providing a criminal organisation training for criminal activity,
  - (4) by obtaining or attempting to obtain for, or giving, a criminal organisation premises or other facilities needed by it or means of transport or other equipment that is very important from the point of view of the organisation,
  - (5) by directly or indirectly giving or collecting assets for the financing of the criminal activity of a criminal organisation,
  - (6) by managing financial matters that are important to the criminal organisation or by giving financial or legal advice that is very important from the point of view of the activity of the organisation, or
  - (7) committing the offence referred to in chapter 32, section 1(2)(1) or 1(2)(2), participates in the activity of a criminal organisation intended to commit one or more offence for which the maximum statutory sentence is imprisonment for at least four years, or one or more of the offences referred to in chapter 11, section 8, and if such an offence or its punishable attempt is committed, shall be sentenced for *participating in the activity of a criminal organisation* to a fine or to imprisonment for at most two years.
- (2) What is provided above in subsection 1(6) regarding legal advice does not apply to the performance of the duties of legal counsel or representative in connection with the pre-trial investigation or court proceedings regarding an offence or the enforcement of a sentence.
  - (3) What is provided in subsection 1 does not apply if an equally or more severe penalty is provided elsewhere in law for the act.
  - (4) A criminal organisation is defined as a structured association, established over a period of time, of at least three persons acting in concert to commit the offences referred to in subsection 1.

#### Section 2 - *Rioting* (563/1998)

When a crowd clearly intends to employ violence against a person or cause significant damage to property, a person who actively participates in the acts of the crowd, and in this context fails to obey a competent official's lawfully issued order to disperse, shall be sentenced for *rioting* to a fine or to imprisonment for at most one year.

#### Section 3 - *Violent rioting* (563/1998)

When a crowd commits an offence referred to in chapter 16, section 1, employs violence against a person or causes significant damage to property, a person who actively participates in the acts of the crowd, shall be sentenced for *violent rioting* to a fine or to imprisonment for at most two years.

#### Section 4 - *Leading a violent riot* (563/1998)

A person who incites or leads a crowd referred to in section 3 shall be sentenced for *leading a violent riot* to imprisonment for at most four years.

#### Section 5 - *Preparation of an armed breach of public order* (563/1998)

A person who recruits or assembles armed troops so as to commit an offence referred to in chapter 12, sections 1 - 4, chapter 16, section 1 or 15, or section 3 of this chapter, shall be sentenced for *preparation of an armed breach of public order* to a fine or to imprisonment for at most one year.

#### Section 6 - *Resistance to a person maintaining public order* (563/1998)

- (1) A person who employs or threatens violence so as to prevent or attempt to prevent a person maintaining public order from performing a duty laid down in an Act or Decree, or otherwise hampers the performance of the said duty, shall be sentenced, unless a more severe penalty for the act is laid down elsewhere in the law, for *resistance to a person maintaining public order* to a fine or to imprisonment for at most six months.

- (2) For the purposes of this section, *a person maintaining public order* means
- (1) a driver, as referred to in the Act on the Maintenance of Order in Public Transport (472/1977), a person corresponding to a driver and a passenger who upon request is assisting the driver or the corresponding person,
  - (2) a ticket inspector, as referred to in the Act on Penalty Fares in Public Transport (469/1979),
  - (3) a guard, as referred to in the Private Security Services Act (282/2002) (284/2002), and
  - (4) a keeper of public order, as referred to in the Act on Keepers of Public Order (533/1999). (536/1999)

Section 6 a – *Private security company offence* (284/2002)

A person who engages in private security company operations without a permit or in private security company operations accepts a commission referred to in section 9(1) of the Private Security Services Act for the maintenance of public order and security, shall be sentenced for a *private security company offence* to a fine or to imprisonment for at most six months.

Section 7 - *Border offence* (563/1998)

- (1) A person who
  - (1) crosses the border of Finland without a valid passport or other travel documents, or otherwise than from a legal point of departure or to a legal point of arrival, or contrary to a statutory prohibition, or attempts the same,
  - (2) otherwise breaches the provisions on border crossing, or
  - (3) without permission stays, moves or undertakes prohibited measures in the border zone, as referred in the Border Zone Act (403/1947)
 shall be sentenced for a *border offence* to a fine or to imprisonment for at most one year.
- (2) A sentence for a border offence shall not be passed on a foreigner who is refused entry or deported because of an act referred to in paragraph (1), nor on a foreigner who as a refugee seeks asylum or a residence permit in Finland. (756/2000)

Section 7a - *Petty border offence* (756/2000)

- (1) If the border offence, in view of the short duration of the unauthorised stay or movement, the nature of the prohibited act, or the other circumstances of the offence is petty when assessed as a whole, the offender shall be sentenced for a *petty border offence* to a fine.
- (2) The provisions in section 7(2) apply also to acts referred to in paragraph (1).

Section 7b - *Territorial violation* (756/2000)

- (1) A soldier of a foreign state or the master of a foreign state vessel or state aircraft, who
  - (1) breaches the Act on Territorial Surveillance (455/2000) in a manner referred to in section 44 of the said Act;
  - (2) breaches the provisions in sections 4 through 9 of the Act on Territorial Surveillance on entry into Finnish territory or staying in the territory; or
  - (3) breaches conditions imposed in a permit issued on the basis of section 10 of the Act on Territorial Surveillance,
 shall be sentenced for a *territorial violation* to a fine or to imprisonment for at most one year.
- (2) In a matter pertaining to a territorial violation, the prosecutor may waive prosecution or the court may waive punishment, if the territorial violation has been immediately interrupted or if the offender has for that reason been refused entry or deported.

Section 8 - *Arrangement of illegal immigration* (563/1998)

- (1) A person who

- (1) brings or attempts to bring to Finland a foreigner without a valid passport, visa or residence permit,
  - (2) arranges or procures transport to Finland for a person referred to in subparagraph (1), or
  - (3) gives to another person a passport, visa or residence permit that is false, falsified or issued to someone else, for use when entering the country,
- shall be sentenced for *arrangement of illegal immigration* to a fine or to imprisonment for at most two years.
- (2) An act which, when taking into account the motives of the person committing it and the circumstances pertaining to the safety of the foreigner in his/her home country or country of permanent residence, and when assessed as a whole, is to be deemed committed under vindicating circumstances, does not constitute arrangement of illegal immigration.

Section 9 - *Unlawful self-help* (563/1998)

A person who in order to protect or enforce his/her rights undertakes measures that are unlawful without resorting to the authorities shall be sentenced, unless a more severe penalty for the act is laid down elsewhere in the law, for *unlawful self-help* to a fine or to imprisonment for at most six months.

Section 10 - *Breach of the sanctity of religion* (563/1998)

A person who

- (1) publicly blasphemes against God or, for the purpose of offending, publicly defames or desecrates what is otherwise held to be sacred by a church or religious community, as referred to in the Act on the Freedom of Religion (267/1998), or
  - (2) by making noise, acting threateningly or otherwise, disturbs worship, ecclesiastical proceedings, other similar religious proceedings or a funeral,
- shall be sentenced for a *breach of the sanctity of religion* to a fine or to imprisonment for at most six months.

Section 11 - *Prevention of worship* (563/1998)

- (1) A person who employs or threatens violence, so as to unlawfully prevent worship, ecclesiastical proceedings or other similar religious proceedings arranged by a church or religious community, as referred to in the Act on the Sanctity of Religion, shall be sentenced for *prevention of worship* to a fine or to imprisonment for at most two years.
- (2) An attempt is punishable.

Section 12 - *Breach of the sanctity of the grave* (563/1998)

A person who

- (1) unlawfully opens a grave or exhumes a corpse, a part thereof, a coffin or a burial urn,
  - (2) handles an unburied corpse in a manner giving offence, or
  - (3) damages or desecrates a grave or a memorial of the dead,
- shall be sentenced for a *breach of the sanctity of the grave* to a fine or to imprisonment for at most one year.

Section 13 - *Criminal disturbance* (563/1998)

A person who

- (1) by making noise or in another similar manner causes disturbance in a public place, in the course of official action, in a cultural or sporting event, in a mass transport vehicle, in a meeting or other event arranged for public discussion, in an office, bureau, place of business, place of manufacture or in another similar place,
- (2) causes disturbance by placing calls to an office, bureau, place of business or another similar place,
- (3) causes disturbance by shooting, throwing objects or in another similar manner,



- (4) unlawfully removes or damages a public notice or announcement posted by an authority for the information of the general public, or
  - (5) by using the emergency brake or alarm of a mass transport vehicle, elevator or other apparatus mischievously causes a false alarm,
- shall be sentenced, unless a more severe penalty for the act is laid down elsewhere in the law, for *criminal disturbance* to a fine.

Section 14 - *Animal welfare offence* (563/1998)

A person who deliberately or through gross negligence, by violence, excessive burdening, failure to provide the necessary care or food or otherwise in violation of the Animal Welfare Act (274/1996), treats an animal cruelly or inflicts unnecessary pain or suffering on an animal, shall be sentenced for an *animal welfare offence* to a fine or to imprisonment for at most two years.

Section 15 - *Petty animal welfare offence* (563/1998)

If the animal welfare offence, in view of the nature of the pain and suffering or the other circumstances of the offence, is petty when assessed as a whole, the offender shall be sentenced for a *petty animal welfare offence* to a fine.

Section 16 - *Organised gambling* (563/1998)

- (1) A person who unlawfully arranges gambling or keeps a room or other premises for gambling, or as the proprietor of a hotel or restaurant establishment allows gambling to take place, shall be sentenced for *organised gambling* to a fine or to imprisonment for at most one year.
- (2) *Gambling* means pools, bingo, tote and betting games, money and goods lotteries, casino operations and other similar games and activities where winning is completely or partially dependent on chance or events beyond the control of the participants in the game or activity and where the possible loss is clearly disproportionate to at least one of the participants' ability to pay up.

Section 16a — *Lottery offence* (1051/2001)

A person who

- (1) arranges a lottery without a permit referred to in the Lottery Act (1047/2001),
- (2) uses lottery profits in a manner essentially contrary to the terms of the original lottery permit or a supplementary permit by which the legitimate uses of the profits have been redefined,
- (3) neglects to fulfil the accounting duties of lottery arrangers,
- (4) violates a prohibition referred to in section 62(1)–(4) of the Lottery Act, or
- (5) arranges a raffle, as referred to in section 27(1) of the Lottery Act, even if that person does not meet the criteria for lottery arrangers in section 5 of the Lottery Act,

shall be sentenced for a *lottery offence* to a fine or to imprisonment for at most six months, provided that a more severe penalty for the act has not been laid down elsewhere in the law.

Section 17 - *Dissemination of depictions of violence* (563/1998)

- (1) A person who offers for sale or for rent, distributes or to that end manufactures or imports a film or other motion picture recording depicting brutal violence shall be sentenced for *dissemination of depictions of violence* to a fine or to imprisonment for at most two years.
- (2) The provision in paragraph (1) does not apply, 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 certified for presentation according to the Act on the Censorship of Pictorial Recordings (775/2000), the provision in paragraph (1) does also not apply. 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 is not punishable under paragraph (1). (777/2000)

Section 18 - *Dissemination of depictions of obscenity* (563/1998)

- (1) A person who offers for sale or for rent, distributes, or to that end manufactures or imports, pictures or visual recordings depicting children, violence or bestiality in an obscene way, shall be sentenced for *distribution of depictions of obscenity* to a fine or to imprisonment for at most two years.
- (2) The provisions in section 17(2) apply also to the pictures and visual recordings referred to in this section.

Section 18a - *Unlawful presentation or dissemination of pictorial recordings to a minor* (777/2000)

A person who publicly presents or disseminates

- (1) a pictorial recording that has not been certified for presentation or dissemination under section 8 of the Act on the Censorship of Pictorial Recordings, to persons younger than 18 years of age,
- (2) a pictorial recording in breach of an age certification imposed under section 8 of the said Act, or
- (3) an unscreened pictorial recording to a person younger than 18 years of age, where the recording, had it been screened by censors, should have been banned under section 8 of the said Act or subjected to an age certification higher than the age of the person in question,

shall be sentenced for *unlawful presentation or dissemination of pictorial recordings to a minor* to a fine or to imprisonment for at most six months.

Section 19 - *Possession of obscene pictures of children* (563/1998)

A person who unlawfully has in his/her possession a photograph, video tape, film or other visual recording, realistically depicting a child having sexual intercourse or in a comparable sexual act, or depicting a child in another obviously obscene way, shall be sentenced for *possession of obscene pictures of children* to a fine or to imprisonment for at most six months.

Section 20 - *Unlawful marketing of obscene material* (563/1998)

- (1) A person who, for gain, markets an obscene picture, visual recording or object which is conducive to causing public offence, by
  - (1) giving it to a person under 15 years of age;
  - (2) putting it on public display;
  - (3) delivering it unsolicited to another; or
  - (4) openly offering it for sale or promoting it by advertisement, brochure or poster or by other means causing public offence,
 shall be sentenced for *unlawful marketing of obscene material* to a fine or to imprisonment for at most six months.
- (2) A sentence for unlawful marketing of obscene material shall also be passed on person who, in the manner referred to in paragraph (1)(4), offers for sale or promotes an obscene text or sound recording which is conducive to causing public offence.

Section 21 - *Public obscenity* (563/1998)

A person who publicly performs an obscene act which causes offence shall be sentenced, unless the act carries a penalty elsewhere in law, for *public obscenity* to a fine or to imprisonment for at most six months.

Section 22 - *Incest* (563/1998)

- (1) A person who has sexual intercourse with his/her child or other descendant, his/her parent or other ascendant, or his/her sibling, shall be sentenced for *incest* to a fine or to imprisonment for at most two years.
- (2) A person who has had sexual intercourse with his/her parent or other ascendant while under 18 years of age and a person who has been coerced or unlawfully enticed into the sexual intercourse shall not be punished for incest.

Section 23 - *Miscellaneous sanctions* (563/1998)

(Heading as of 1 January 2004: *Provisions on sanctions* (515/2003))

- (1) A person who is convicted for an animal welfare offence or petty animal welfare offence may at the same time be banned from keeping or caring for animals or otherwise seeing to the welfare of animals. A ban on animal keeping may also be imposed on a person who is convicted for an animal welfare violation under section 54(1) of the Animal Welfare Act and who is to be deemed unfit or unable to see to the welfare of animals. The ban may be temporary or permanent. The ban may pertain to the keeping of given animal species or of animals in general. A ban on animal keeping may be imposed also on a person whose sentencing is waived in accordance with chapter 3, section 3. The ban applies regardless of appeal, until a final decision in the matter has been given.

*(NB. By Act 515/2003, section 1 is to be replaced by the following new section as of 1 January 2004:)*

- (1) A person who is convicted for an animal welfare offence or petty animal welfare offence may at the same time be banned from keeping or caring for animals or otherwise seeing to the welfare of animals. A ban on animal keeping may also be imposed on a person who is convicted for an animal welfare violation on the basis of section 54(1) of the Animal Welfare Act and who is to be deemed unfit or unable to see to the welfare of animals. The ban may be temporary or permanent. The ban may pertain to the keeping of given animal species or of animals in general. A ban on animal keeping may be imposed also on a person whose sentencing is waived on the basis of chapter 3, section 4(2). The ban applies regardless of appeal, until a final decision in the matter has been given. (515/2003; enters into force on 1 January 2004)
- (2) Animals that are referred to in a ban on animal keeping, and that are in the possession of the person subject to the ban at the time of it being imposed, shall be ordered forfeit to the State. If the forfeiture affects also animals which were not the target of the offence and the delimitation of these animals in the order is possible, the court shall order that, before the enforcement of the forfeiture, the person concerned is to be reserved the opportunity to himself/herself sell or otherwise convey the animals. If a person subject to a ban on animal keeping has possession of animals that are owned in full or in part by someone else, the owner shall be reserved the opportunity to retrieve the animals before the enforcement of the forfeiture. (875/2001)
- (3) A gambling bank, other monies and objects with a monetary value used in organised gambling shall be ordered forfeit to the State. The forfeiture shall be ordered regardless of the ownership of the property in question. In other respects, the provisions in chapter 10 apply. (875/2001)
- (4) *Paragraph has been repealed.*

*Section 24 - Corporate criminal liability (142/2003)*

The provisions on corporate criminal liability apply to participation in the activity of an organised criminal group, the arrangement of illegal immigration, animal welfare offence, organised gambling, dissemination of depictions of violence, dissemination of obscene material and unlawful marketing of obscene material.

*Section 25 - Right to bring a charge (563/1998)*

If public order has not been breached in criminal disturbance, the public prosecutor shall not bring a charge for the offence, unless the injured party reports it for the bringing of a charge. Moreover, the public prosecutor shall not bring a charge for unlawful marketing of obscene material, as referred to in section 20(1)(3), unless the injured party reports the offence for the bringing of a charge.

## Chapter 18 - **Offences against family rights**

### Section 1

- (1) If someone states that his/her 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 impediment to marriage or another circumstance which could cause the marriage to be annulled, he/she shall be sentenced to imprisonment for at most one year or to a fine.
- (2) If a wedding is performed or if the deceiver has sexual intercourse with the woman who was deceived into the 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 injured party has reported the offence for the bringing of charges or applied in court for the annulment of the marriage agreement or of the marriage.

### Section 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/she commits this offence for benefit to himself/herself or another or in order to injure another he/she shall be sentenced to imprisonment for at least six months and at most five years.
- (3) An attempt is punishable.

### Section 3

- (1) If someone, by assuming a false name or by other fraudulent means, has acquired an inheritance or other family right, he/she 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 is punishable.

*Chapter 19 has been repealed.*

## Chapter 20 - **Sex offences** (563/1998)

### Section 1 - *Rape* (563/1998)

- (1) A person who coerces another into sexual intercourse by the use or threat of violence shall be sentenced for *rape* to imprisonment for at least one year and at most six years.
- (2) A person shall also be sentenced for rape if he/she takes advantage of the incapacity of another to defend himself/herself and has sexual intercourse with him/her, after rendering him/her unconscious or causing him/her to be in such a state of incapacity owing to fear or another similar reason.
- (3) An attempt is punishable.

### Section 2 - *Aggravated rape* (563/1998)

- (1) If, in the rape,
  - (1) grievous bodily injury, serious illness or a state of mortal danger is inflicted on another;
  - (2) the offence is committed by several people; or especially hard mental or physical suffering is caused;

- (3) the offence is committed in a particularly brutal, cruel or humiliating manner; or
- (4) a firearm, edged weapon or other lethal instrument is used or a threat of other serious violence is made,

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

- (2) An attempt is punishable.

#### Section 3 - *Coercion into sexual intercourse* (563/1998)

- (1) If the rape, in view of the slight degree of the violence or threat and the other particulars of the offence, is deemed to have been committed under mitigating circumstances when assessed as a whole, the offender shall be sentenced for *coercion into sexual intercourse* to imprisonment for at most three years.
- (2) A person who coerces another into sexual intercourse by a threat other than that referred to in section 1(1) shall also be sentenced for coercion into sexual intercourse.
- (3) An attempt is punishable.

#### Section 4 - *Coercion into a sexual act* (563/1998)

- (1) A person who by violence or threat coerces another into a sexual act other than that referred to in section 1 or into submission to such an act, thus essentially violating his/her right of sexual self-determination, shall be sentenced for *coercion into a sexual act* to a fine or to imprisonment for at most three years.
- (2) An attempt is punishable.

#### Section 5 - *Sexual abuse* (563/1998)

- (1) A person who abuses his/her position and entices one of the following into sexual intercourse, into another sexual act essentially violating his/her right of sexual self-determination, or into submission to such an act,
  - (1) a person younger than eighteen years of age, who in a school or other institution is subject to the authority or supervision of the offender or in another comparable manner subordinate to the offender;
  - (2) a person younger than eighteen years of age, whose capacity of independent sexual self-determination, owing to his/her immaturity or the age difference of the persons involved, is essentially inferior to that of the offender, where the offender blatantly takes advantage of the immaturity,
  - (3) a patient in a hospital or other institution, whose capacity to defend himself/herself is essentially impaired owing to illness, handicap or other infirmity; or
  - (4) a person who is especially dependent on the offender, where the offender blatantly takes advantage of the dependence,
 shall be sentenced for *sexual abuse* to a fine or to imprisonment for at most four years.
- (2) A person shall also be sentenced for sexual abuse if he/she takes advantage of the incapacity of another to defend himself/herself or to make or express a decision, owing to unconsciousness, illness, handicap or other helplessness, and has sexual intercourse with him/her, or gets him/her to perform a sexual act essentially violating his/her right of sexual self-determination or to submit to such an act.
- (3) An attempt is punishable.

#### Section 6 - *Sexual abuse of a child* (563/1998)

- (1) A person who
  - (1) has sexual intercourse with a child younger than sixteen years of age,
  - (2) by touching or otherwise performs a sexual act to a child younger than sixteen years of age, said act being conducive to impairing his/her development,
  - (2) or gets him/her to perform an act referred to in subparagraph (2),

shall be sentenced for *sexual abuse of a child* to imprisonment for at most four years.

- (2) However, an act referred to in paragraph (1) is not deemed sexual abuse of a child if there is no great difference in the ages or the mental and physical maturity of the persons involved.
- (3) A person shall also be sentenced for sexual abuse of a child if he/she commits an act referred to in paragraph (1) with a person over sixteen but younger than eighteen years of age, if the offender is the parent of the child or, if living in the same household with the child, the offender is in a position comparable to that of a parent.
- (4) An attempt is punishable.

#### Section 7 - *Aggravated sexual abuse of a child* (563/1998)

- (1) If, in the sexual abuse of a child,
  - (1) the victim is a child whose age or stage of development are such that the offence is conducive to causing special injury to him/her;
  - (2) the offence is committed in an especially humiliating manner; or
  - (3) the offence is conducive to causing special injury to the child owing to the special trust he/she has put in the offender or the special dependence of the child on the offender,
 and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated sexual abuse of a child* to imprisonment for at least one year and at most ten years.
- (2) An attempt is punishable.

#### Section 8 - *Buying sexual services from a young person* (563/1998)

- (1) A person who, by promising or giving remuneration, gets a person younger than eighteen years of age to have sexual intercourse or to perform another sexual act shall be sentenced for *buying sexual services from a young person* to a fine or to imprisonment for at most six months.
- (2) An attempt is punishable.

#### Section 9 - *Pandering* (563/1998)

- (1) A person who, in order to gain economic benefit to himself/herself or to someone else,
  - (1) keeps a room or other premises where sexual intercourse or other comparable sexual acts are offered for remuneration;
  - (2) otherwise takes advantage of the performance of such an act by someone else; or
  - (3) entices or intimidates another to such an act,
 shall be sentenced for *pandering* to a fine or to imprisonment for at most three years.
- (2) An attempt is punishable.

#### Section 10 - *Definitions* (563/1998)

- (1) For the purposes of this chapter, *sexual intercourse* means the sexual penetration, by a sex organ or directed at a sex organ, of the body of another.
- (2) For the purposes of this chapter, a *sexual act* means an act whose purpose is sexual arousal or satisfaction and which is sexually significant in view of the circumstances and the persons involved.

#### Section 11 - *Right to bring a charge* (563/1998)

The public prosecutor shall not bring a charge for the offences referred to in sections 3 or 4 or section 5(1)(2) or 5(1)(4), unless the injured party reports the offence for the bringing of a charge or unless a very important public interest requires that a charge be brought.

#### Section 12 - *Waiver of measures* (563/1998)

Where the injured party in an offence referred to in sections 1, 5(2) or 6 on his/her own free will requests that a charge not be brought, the public

prosecutor may waive the bringing of a charge, unless an important private or public interest requires that a charge be brought.

## Chapter 21 - **Homicide and bodily injury** (578/1995)

### Section 1 - *Manslaughter* (578/1995)

- (1) A person who kills another shall be sentenced for *manslaughter* to imprisonment for a fixed period of at least eight years.
- (2) An attempt is punishable.

### Section 2 - *Murder* (578/1995)

- (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 a public 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 is punishable.

### Section 3 - *Killing* (578/1995)

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

### Section 4 - *Infanticide* (578/1995)

- (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 is punishable.

### Section 5 - *Assault* (578/1995)

- (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 is punishable.

### Section 6 - *Aggravated assault* (654/2001)

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

### Section 7 - *Petty assault* (578/1995)

If the assault, when assessed as a whole and with due consideration to the minor significance 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.

Section 8 - *Negligent homicide* (578/1995)

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.

Section 9 - *Grossly negligent homicide* (578/1995)

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.

Section 10 - *Negligent bodily injury* (578/1995)

A person who through negligence inflicts not insignificant bodily injury or illness on another shall be sentenced for *negligent bodily injury* to a fine or to imprisonment for at most six months.

Section 11 - *Grossly negligent bodily injury* (578/1995)

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

Section 12 - *Brawling* (578/1995)

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 inflicted on someone, if he/she 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.

Section 13 - *Imperilment* (578/1995)

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

Section 14 - *Abandonment* (578/1995)

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

Section 15 - *Neglect of rescue* (578/1995)

A person who knows that another is in mortal danger or serious danger of losing his/her health, and does not give or procure such assistance that in view of his/her 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.

Section 16 - *Right to bring charges* (578/1995)

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

Section 17 - *Waiver of measures* (578/1995)

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

Section 18 - *Provision on the scope of application* (604/2002)

In applying section 2(4) of this chapter, a person elected to a public official as referred to in chapter 40, section 11, a foreign public official acting in the service of the International Criminal Court or in Finnish territory on the basis of an international agreement or other international obligation in inspection,



surveillance, pursuit or pre-trial investigation duties, a person exercising public authority and a person referred to in chapter 16, section 20(5), are equated with a civil servant as the object of the criminal act.

## Chapter 22 - **Abortion** (491/1969)

*Sections 1 - 4 have been repealed.*

### Section 5 (85/1950)

- (1) If a woman unlawfully and intentionally kills her foetus or has it killed, either by abortion or by foeticide, 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 foetus, either by abortion or by foeticide, he/she shall be sentenced to imprisonment for at most four years. If he/she does so for a fee, he/she shall be sentenced to imprisonment for at most six years.
- (3) An attempt of the offences mentioned in this section is punishable.

### Section 6 (85/1950)

- (1) If someone without the consent of the woman unlawfully and intentionally kills her foetus, either by abortion or by foeticide, he/she shall be sentenced to imprisonment for at least two and at most eight years.
- (2) An attempt is punishable.

*Sections 7 - 9 have been repealed.*

## Chapter 23 - **Traffic offences** (545/1999)

### Section 1 - *Causing a traffic hazard* (545/1999)

- (1) A road user who deliberately or negligently breaches the Road Traffic Act (267/1981) or the Vehicle Act (1090/2002) or the regulations or orders issued on the basis thereof, in a manner conducive to causing a hazard to others, shall be sentenced for *causing a traffic hazard* to a fine or to imprisonment for at most six months. (1094/2002)
- (2) A sentence for causing a traffic hazard shall be passed also on a person who in the manner referred to in paragraph (1)
  - (1) while in charge of steering a vessel or performing a duty essentially affecting the safety of navigation, breaches the Waterway Traffic Act (463/1996) or the regulations or orders issued on the basis thereof or pertaining to the prevention of collisions at sea, on an inland waterway or in a canal,
  - (2) while piloting an aircraft or performing a duty as a member of the crew or affecting the safety of air traffic, or otherwise, breaches the Air Traffic Act or the regulations or orders issued on the basis thereof, or
  - (3) while driving a train or performing a duty essentially affecting railway traffic safety breaches the rules governing railway safety.
- (3) This section does not apply, if the conduct referred to in paragraph (1) or paragraph (2)(1) or (2)(3) is conducive to causing merely a minor hazard.

### Section 2 - *Causing a serious traffic hazard* (545/1999)

- (1) If in the causing of a traffic hazard, the driver of a motor-driven vehicle or tram deliberately or grossly negligently
  - (1) significantly exceeds the maximum speed limit;
  - (2) starts to overtake while the visibility is insufficient for safe overtaking or while overtaking is otherwise not allowed;
  - (3) fails to heed the duty to stop or give way required by traffic safety; or
  - (4) in another comparable manner breaches the traffic regulations,

so that the act is conducive to causing serious danger to another's health or safety, the offender shall be sentenced for *causing a serious traffic hazard* to at least 30 day-fines or to imprisonment for at most two years.

- (2) A sentence for causing a serious traffic hazard shall be passed also on a person who in the causing of a traffic hazard deliberately or grossly negligently
- (1) while in charge of steering a vessel or performing a duty essentially affecting the safety of navigation, fails to keep a proper lookout, fails to observe a speed that is safe under the prevailing conditions or, when a collision is imminent, fails to observe the duty to give way, or in a comparable manner breaches the Waterway Traffic Act or the regulations or orders issued on the basis thereof or pertaining to the prevention of collisions at sea, on an inland waterway or in a canal,
  - (2) while piloting an aircraft or performing a duty as a member of the crew or affecting the safety of air traffic, or otherwise, breaches the Air Traffic Act or the regulations or orders issued on the basis thereof, or
  - (3) while driving a train or performing a duty essentially affecting railway traffic safety breaches the rules governing railway safety,
- so that the offence is conducive to causing serious danger to another's health or safety.

#### Section 3 – *Driving while intoxicated* (1198/2002)

- (1) A person who operates a motor-driven vehicle or a tram after having consumed alcohol so that his/her blood alcohol level is at least 0.5 per mill or his/her exhalation contains at least 0.22 milligrams of alcohol per one litre of air during or after the drive, shall be sentenced for *driving while intoxicated* to a fine or to imprisonment for at most six months.
- (2) A person who operates a motor-driven vehicle or a tram after having consumed narcotics so that during or after said operation he/she has the active substance of the narcotic used or its metabolic product in his/her blood alcohol, shall also be sentenced for driving while intoxicated. The provision in this subsection does not apply if said substance or metabolic product is derived from a medical product that the operator has the right to use.
- (1) A person who operates a motor-driven vehicle or a train after having consumed alcohol so that his/her blood alcohol level is at least 0.5 per mill or his/her exhalation contains at least 0.22 milligrams of alcohol per one litre of air during or after the drive shall also be sentenced for driving while intoxicated.

#### Section 4 – *Driving while seriously intoxicated* (1198/2002)

- (1) If in the driving while intoxicated
  - (1) the blood alcohol level of the offender is at least 1.2 per mill or his/her exhalation contains at least 0.53 milligrams of alcohol per one litre of air; or
  - (2) the capacity of the offender to perform as required in the operation is significantly reduced, or
  - (3) the offender has used an intoxicant other than alcohol or such intoxicants and alcohol together, so that his/her ability to perform as required in the operation is significantly reduced,
 and the conditions are such that the offence is conducive to endangering the safety of others, the offender shall be sentenced for *driving while seriously intoxicated* to at least 60 day-fines or to imprisonment for at most two years.

#### Section 5 - *Waterway traffic intoxication* (1198/2002)

- (1) A person who operates a vessel or performs a duty on a vessel essentially affecting the safety of its navigation,
  - (1) after having consumed alcohol so that during or after said operation his/her blood alcohol level is at least 1.0 per mill or his/her exhalation contains at least 0.44 milligrams of alcohol per one litre of air or his/her capacity to perform as required in said operation is reduced, or

- (2) after having used intoxicants other than alcohol or such substances and alcohol together, so that so that his/her ability to perform as required in the operation is reduced,  
and the circumstances are such that the offence is conducive to endangering the safety of others, shall be sentenced for *waterway traffic intoxication* to a fine or to imprisonment for at most two years.
- (3) However, no sentence shall be passed for waterway traffic intoxication when the person has operated a rowing boat, a yawl or a comparable vessel or when the duty referred to in subsection (1) has been performed aboard such a vessel.

Section 6 - *Air traffic intoxication* (1198/2002)

- (1) A person who pilots an aircraft or performs a duty as a member of the crew or affecting the safety of air traffic after having consumed alcohol so that during or after said operation his/her blood alcohol level is at least 0.5 per mill or his/her exhalation contains at least 0.22 milligrams of alcohol per one litre of air or his/her capacity to perform as required in said operation is reduced, shall be sentenced for *air traffic intoxication* to a fine or to imprisonment for at most two years.
- (2) A person who pilots an aircraft or performs a duty as a member of the crew or affecting the safety of air traffic after having consumed narcotics so that he/she has the active substance of the narcotic used or its metabolic product in his/her blood alcohol during or after the performance, shall also be sentenced for air traffic intoxication. The provision in this subsection does not apply if said substance or metabolic product is derived from a medical product that the person performing the duty has the right to use.
- (3) A person who performs the duties referred to in subsections 1 and 2 after having used an intoxicant other than alcohol or such an intoxicant and alcohol together, so that his/her ability to perform as required in the operation is reduced shall also be sentenced for air traffic intoxication.

Section 7 - *Rail traffic intoxication* (1198/2002)

- (1) A person who drives a train or performs a duty essentially affecting railway traffic safety, after having consumed alcohol so that during or after said operation his/her blood alcohol level is at least 0.5 per mill or his/her exhalation contains at least 0.22 milligrams of alcohol per one litre of air or his/her capacity to perform as required in said operation is reduced, shall be sentenced for *rail traffic intoxication* to a fine or to imprisonment for at most two years.
- (2) A person who drives a train or performs another duty essentially affected railway traffic after having consumed narcotics so that he/she has the active substance of the narcotic used or its metabolic product in his/her blood alcohol during or after the performance, shall also be sentenced for rail traffic intoxication. The provision in this subsection does not apply if said substance or metabolic product is derived from a medical product that the person performing the duty has the right to use.
- (5) A person who performs the duties referred to in subsections 1 and 2 after having used an intoxicant other than alcohol or such an intoxicant and alcohol together, so that his/her ability to perform as required in the operation is reduced shall also be sentenced for rail traffic intoxication.

Section 8 - *Relinquishing a vehicle to an intoxicated person* (545/1999)

A person who relinquishes a motor-driven vehicle, tram, train, vessel or aircraft, as referred to in section 5, to the operation, steering or control of a person who is apparently in such a state that he/she is guilty of an offence mentioned in sections 3 - 7, shall be sentenced for *relinquishing a vehicle to an intoxicated person* to a fine or to imprisonment for at most one year.

Section 9 - *Non-motor powered traffic intoxication* (545/1999)

A road user who operates a non-motor powered vehicle under the influence of alcohol or other narcotic substances, thereby causing a hazard to others, shall

be sentenced for *non-motor powered traffic intoxication* to a fine or to imprisonment for at most three months.

Section 10 - *Operation of a vehicle without a license* (545/1999)

- (1) A person who operates, steers or controls a motor vehicle, tram, train, vessel or aircraft without the right to do so or without a license proving the required competence, shall be sentenced for *operation of a vehicle without a license* to a fine or to imprisonment for at most six months.
- (2) A sentence for operation of a vehicle without a permit shall be passed also on a person who without the required competence performs a duty essentially affecting railway traffic safety, waterway traffic safety, or air traffic safety.

Section 11 - *Flight from the scene of a traffic accident* (545/1999)

If the driver of a motor-driven vehicle or tram has a traffic accident and fails in his/her duty to stop at once and help the injured to the best of his/her ability, he/she shall be sentenced, unless a more severe penalty for the act has been laid down elsewhere in the law, for *flight from the scene of a traffic accident* to a fine or to imprisonment for at most one year.

Section 11 a - *Interfering with traffic* (400/2002)

- (1) A person who causes considerable impediment to the flow of general air, rail or water traffic shall be sentenced for *interfering with traffic* to a fine or to imprisonment for at most six months.
- (2) Provisions on interference with road traffic and tram traffic are contained in the Road Traffic Act.

Section 12 - *Definitions* (1094/2002)

- (1) For the purposes of this chapter:
  - (1) *road user* is defined as everyone who is on the road or in a vehicle or tram on the road;
  - (1a) a *narcotic* is defined as a narcotic referred to in the Narcotics Act (1289/1993); (1198/2002)
  - (2) an *intoxicant* is defined to also include performance-reducing pharmaceuticals;
  - (3) *motor-driven vehicle* is defined as a vehicle propelled by engine power; motor vehicles, motor scooters, motorcycles, three- and four-wheeled vehicles, light four-wheeled vehicles, tractors, self-propelled machinery and off-road vehicles are motor-driven vehicles;
  - (4) *vessel* is defined as a means of transport or apparatus moving on and in water and intended for waterway traffic;
  - (5) *train* is defined as a locomotive or a locomotive coupled to rolling stock, as well as other means of rail transport propelled by engine power, with the exception of trams;
  - (6) *duty essentially affecting railway traffic safety* is defined as a duty where erroneous conduct or neglect may cause a railway traffic hazard, including the movement, organisation and transfers of rolling stock at a rail yard or on industrial tracks.

Chapter 24 - **Offences against privacy, public peace and personal reputation** (531/2000)

Section 1 - *Invasion of domestic premises* (531/2000)

A person who unlawfully

- (1) enters domestic premises by force, stealth or deception, or hides or stays in such premises, or
- (2) disturbs the privacy of another by making noise, throwing objects, making calls or in another comparable manner

shall be sentenced for an *invasion of domestic premises* to a fine or to imprisonment for at most three months.

Section 2 - *Aggravated invasion of domestic premises* (531/2000)

If, in the invasion of domestic premises,

- (1) the offender is equipped with a weapon or another instrument suitable for personal violence for the purpose of committing the offence, or it is the evident intent of the offender or a participant to employ personal violence or cause damage to property, or
- (2) the victim of the offence has a valid reason to fear for his/her personal safety owing to threats pertaining to the offence, damage caused to property or the number of offenders or participants,

and the invasion of domestic premises is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated invasion of domestic premises* to a fine or to imprisonment for at most two years.

Section 3 - *Invasion of public premises* (531/2000)

(1) A person who unlawfully

- (1) by force, stealth or deception, enters a public office, business premises, office, production installation, meeting place, other similar premises or another similar building, or the fenced yard of such a building, a barracks area or another area in the use of the armed forces, where movement is restricted by the decision of the competent authority, or
- (2) hides or stays in premises referred to in subparagraph (1)

shall be sentenced for an *invasion of public premises* to a fine or to imprisonment for at most six months.

(3) However, an act that has caused only a minor disturbance does not constitute an invasion of public premises.

Section 4 - *Aggravated invasion of public premises* (531/2000)

If, in the invasion of public premises,

- (1) the offender is equipped with a weapon or another instrument suitable for personal violence for the purpose of committing the offence, or it is the evident intent of the offender or a participant to employ personal violence or cause damage to property, or
- (2) the offence is directed at a building or premises in use by the Parliament, the President of the Republic, the Government or a delegation or representation of a foreign state or an intergovernmental organisation

and the invasion of public premises is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated invasion of public premises* to a fine or to imprisonment for at most two years.

Section 5 - *Eavesdropping* (531/2000)

(1) A person who unlawfully listens to or records with a technical device

- (1) a discussion, talk or other sounds of private life, where these are not intended for his/her knowledge, and which arise in private premises or
- (2) in secret, talk that is not intended to his/her knowledge or to the knowledge of third parties in general, where the circumstances are such that the speaker has no reason to believe that a third party is listening

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

(2) An attempt is punishable.

Section 6 - *Illicit observation* (531/2000)

(1) A person who unlawfully watches or monitors with a technical device

- (1) a person in domestic premises, a toilet, a dressing room or another comparable place, or
- (2) a person in a building, apartment or fenced yard that is closed to the public, as referred to in section 3, where this violates the person's privacy,

shall be sentenced for *illicit observation* to a fine or to imprisonment for at most one year.

(2) An attempt is punishable.

Section 7 - *Preparation of eavesdropping or illicit observation* (531/2000)

A person who sets up a technical device referred to in section 5 or 6 for use in eavesdropping or illicit observation shall be sentenced for *preparation of eavesdropping or preparation of illicit observation* to a fine or to imprisonment for at most six months.

Section 8 - *Invasion of personal reputation* (531/2000)

- (1) A person who unlawfully
  - (1) through the use of the mass media, or
  - (2) in another manner publicly
 spreads information, an insinuation or an image of the private life of another person, so that the act is conducive to causing that person damage or suffering, or subjecting that person to contempt, shall be sentenced for an *invasion of personal reputation* to a fine or to imprisonment for at most two years.
- (2) The spreading of information, an insinuation or an image of the private life of a person in politics, business, public office or public position, or in a comparable position, does not constitute an invasion of personal reputation, if it may affect the evaluation of that person's activities in the position in question and if it is necessary for purposes of dealing with a matter with importance to society.

Section 9 - *Defamation* (531/2000)

- (1) A person who
  - (1) spreads false information or a false insinuation of another person so that the act is conducive to causing damage or suffering to that person, or subjecting that person to contempt, or
  - (2) makes a derogatory comment on another otherwise than in a manner referred to in subparagraph (1)
 shall be sentenced for *defamation* to a fine or to imprisonment for at most six months.
- (2) Criticism that is directed at a person's activities in politics, business, public office, public position, science, art or in a comparable public position and that does not obviously overstep the limits of propriety does not constitute defamation referred to in paragraph (1)(2).
- (3) A sentence for defamation shall be imposed also on a person who spreads false information or a false insinuation on a deceased person, so that the act is conducive to causing suffering to a person to whom the deceased was particularly close.

Section 10 - *Aggravated defamation* (531/2000)

- (1) If, in the defamation referred to in section 9(1),
  - (1) the offence is committed by using the mass media or otherwise by making the information or insinuation available to a large number of people, or
  - (2) great or long-lasting suffering or specifically
 and the defamation is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated defamation* to a fine or to imprisonment for at most two years.

Section 11 - *Definition* (531/2000)

Domestic premises are defined as follows: homes, vacation homes and other residential premises, such as hotel rooms, tents, mobile homes and vessels with sleeping capacity, as well as the stairwells and corridors of residential buildings and the private yards of the residents and their immediate outbuildings.

Section 12 - *Right to bring a charge* (531/2000)

- (1) The public prosecutor shall not bring a charge for invasion of domestic premises, aggravated invasion of domestic premises, invasion of public premises, eavesdropping, illicit observation or the preparation of eavesdropping or of illicit observation, unless the injured party has reported the offence for the bringing of a charge or unless a very important public interest requires that a charge be brought.

- (2) The public prosecutor shall not bring a charge for invasion of personal reputation, defamation or aggravated defamation, unless the injured party has reported the offence for the bringing of a charge. However, the Prosecutor-General may order that a charge be brought, if the offence has been committed by using the mass media and if a very important public interest requires that a charge be brought.
- (3) An offence referred to above in section 9(3) may be reported for the bringing of a charge by the surviving spouse, sibling, direct descendant or direct ascendant of the deceased, as well as by a person who lived in the same household with the deceased or a person to whom the deceased was particularly close.

## Chapter 25 - **Offences against personal liberty** (578/1995)

### Section 1 - *Deprivation of personal liberty* (578/1995)

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

### Section 2 - *Aggravated deprivation of personal liberty* (578/1995)

If in the deprivation of personal liberty

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

### Section 3 - *Kidnapping* (578/1995)

- (1) A person who
  - (1) by violence, threat or duplicity takes control of another person in order to subject him/her to degrading conditions or forced labour;
  - (2) by violence, threat or duplicity takes control over a child under fifteen years of age in order to subject him/her 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 is punishable.

### Section 4 - *Hostage taking* (578/1995)

- (1) A person who deprives another of his/her 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/she 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 is punishable.

### Section 5 - *Abduction of a child* (578/1995)

If the parent, foster parent or custodian of a child under sixteen years of age or a person close to the child, by self-help, takes custody of the child for himself/herself or another person referred to above from the person in whose custody the child is, he/she shall be sentenced for *abduction of a child* to a fine or to imprisonment for at most six months.

### Section 6 - *Negligent deprivation of personal liberty* (578/1995)

- (1) A person who through negligence causes another to lose his/her liberty shall be sentenced, unless the act is of minor significance in view of the harm or injury caused, for *negligent deprivation of personal liberty* to a fine or to imprisonment for at most six months.
- (2) A person shall also be sentenced for negligent deprivation of personal liberty if he/she unlawfully deprives another of his/her liberty under the conviction that

he/she has a right to the same, unless the act is of minor significance in view of the harm or injury caused.

Section 7 - *Menace* (578/1995)

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 his/her personal safety or property or that of someone else is in serious danger shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *menace* to a fine or to imprisonment for at most two years.

Section 8 - *Coercion* (578/1995)

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 the law, for *coercion* to a fine or to imprisonment for at most two years.

Section 9 - *Right to bring charges* (578/1995)

- (1) The public prosecutor shall not bring charges for negligent deprivation of personal liberty, menace or coercion, unless the injured party 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 abduction of a child, 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.

*Chapters 26 and 27 have been repealed.*

Chapter 28 - **Theft, embezzlement and unauthorised use** (769/1990)

Section 1 - *Theft* (769/1990)

- (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 is punishable.

Section 2 - *Aggravated theft* (769/1990)

- (1) If in the theft
  - (1) the property is very valuable,
  - (2) the appropriation, in view of the victim's circumstances, causes particularly significant loss to the victim of the offence,
  - (3) the offender takes advantage of the helplessness or distress of the victim of the offence,
  - (4) in order to carry out the act, the offender or an accomplice equips himself/herself with a firearm, explosives or another similar dangerous instrument, or
  - (5) the offender breaks into an occupied residence,
 and the theft is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated theft* to imprisonment for at least four months and at most four years.
- (2) An attempt is punishable.

Section 3 - *Petty theft* (769/1990)

- (1) If the theft, 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 *petty theft* to a fine.



- (2) An attempt is punishable.

Section 4 - *Embezzlement* (769/1990)

- (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/she has found or that have come into his/her possession through an error shall also be sentenced for embezzlement.
- (3) A person who has received funds on account, under a commission or in a similar manner, and who fails to settle the account at the time agreed or otherwise required, by using the said funds or funds which have taken their place, or by otherwise acting in a similar manner, shall also be sentenced for embezzlement.
- (4) An attempt of the appropriation referred to in paragraph (1) is punishable.

Section 5 - *Aggravated embezzlement* (769/1990)

- (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, or
  - (3) the offender takes advantage of his/her position of particular responsibility and the embezzlement is aggravated, also when assessed as a whole, the offender shall be sentenced for *aggravated embezzlement* to imprisonment for at least four months and at most four years.
- (2) The provision in section 4 on attempt applies correspondingly to attempted aggravated embezzlement.

Section 6 - *Petty embezzlement* (769/1990)

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.

Section 7 - *Unauthorised use* (769/1990)

- (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 is punishable.

Section 8 - *Aggravated unauthorised use* (769/1990)

- (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, in view of the victim's circumstances,
- and the unauthorised use is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated unauthorised use* to a fine or to imprisonment for at most two years.
- (2) An attempt is punishable.

Section 9 - *Petty unauthorised use* (769/1990)

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.

Section 9 a - *Stealing of a motor vehicle for temporary use* (614/2002)

- (1) A person who unjustifiably uses a motor vehicle of another shall be sentenced for *stealing of a motor vehicle for temporary use* to a fine or to imprisonment for at most one year six months.
- (2) An attempt is punishable.

Section 9 b - *Aggravated stealing of a motor vehicle for temporary use* (614/2002)

- (1) If in the stealing of a motor vehicle for temporary use
- (1) considerable financial benefit is sought or
  - (2) very significant loss or inconvenience is caused to the victim of the offence, in view of the victim's circumstances
- and the stealing of the motor vehicle for temporary use is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated stealing of a motor vehicle for temporary use* to imprisonment for at least four months and at most four years.
- (2) An attempt is punishable.

Section 9c - *Petty stealing of a motor vehicle for temporary use* (614/2002)

If the stealing of a motor vehicle for temporary 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 stealing of a motor vehicle for temporary use* to a fine.

Section 10 - *Game offence* (769/1990)

- (1) 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/she has on the basis of law, permit, agreement or decision shall be sentenced for a *game offence* to a fine.
- (2) A person who deliberately and unjustifiably traps or kills an unprotected animal in an area where he/she does not have the right or permit to do so shall also be sentenced for a game offence. (515/2002)

Section 11 - *Criminal trespass* (769/1990)

- (1) A person who unjustifiably
  - (1) takes possession of, moves or hides movable property in the possession of another,
  - (2) takes his/her way across the yard of another or uses the land in the possession of another through construction, excavation 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 the law, for *criminal trespass* to a fine or to imprisonment for at most three months.
- (2) However, an act causing only minor inconvenience is not deemed to constitute criminal trespass.

Section 12 - *Violation of security right* (769/1990)

- (1) A person who violates the security or lien right of another by
  - (1) destroying, damaging, taking possession of, or using his/her property or
  - (2) conveying his/her property or in another manner disposing of his/her property,
 shall be sentenced for *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 paragraph (1) on behalf of the owner of the property shall also be sentenced for violation of security right.

Section 12 a - *Possession of a burglary implement* (400/2002)

A person who without an acceptable reason has in his/her possession a key to the lock of another or a skeleton key or other implement that can justifiably be suspected for use primarily for entry into closed premises in the possession of another for the commission of an offence, shall be sentenced for *possession of a burglary implement* to a fine.

Section 13 - *Definitions* (769/1990)

- (1) The provisions of this chapter apply also if the act is directed against joint property in which the offender has a share.
- (2) The provisions in sections 1 - 6 on movable property apply also to electricity or heat that has been transformed into the form of a valuable utility.
- (3) In the application of the provisions in sections 4 - 6 of this chapter, assets that are in the account of another and which the offender has the right to transfer or withdraw are deemed to be in the possession of the offender.

Section 14 - *Public rights* (769/1990)

The provisions in this chapter do not apply to the gathering, on the land of another, 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, with the exception of lichen and moss.

Section 15 - *Right to bring a charge* (614/2002)

- (1) The public prosecutor shall not bring charges for the offences referred to in sections 3, 6 through 9, 9 c or 10 through 12 unless the injured party has reported the offence for the bringing of charges or unless a very important public interest requires that charges be brought.
- (2) What is provided in subsection 1 applies also to the offences referred to in sections 1, 4 and 9 a if
  - (1) the offender lives in the same household as the injured party and the offence is directed against property in said joint household,
  - (2) the offence is directed against property belonging to the spouse, sibling or direct ascendant or descendant of the offender,
  - (3) the offender is a party to a decedent's estate and the offence is directed against property of said estate.

Chapter 29 - **Offences against public finances** (769/1990)Section 1 - *Tax fraud* (1228/1997)

- (1) A person who
  - (1) gives a taxation authority false information on a fact that influences the assessment of tax,
  - (2) files a tax return concealing a fact that influences the assessment of tax,
  - (3) for the purpose of avoiding tax, fails to observe a duty pertaining to taxation, influencing the assessment of tax, or
  - (4) acts otherwise fraudulently,
 and thereby causes or attempts to cause a tax not to be assessed, a tax to be assessed too low or a tax to be unduly refunded, shall be sentenced for *tax fraud* to a fine or to imprisonment for at most two years.

Section 2 - *Aggravated tax fraud* (769/1990)

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

Section 3 - *Petty tax fraud* (769/1990)

- (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.

Section 4 - *Tax violation* (769/1990)

- (1) A person who, in order to gain financial benefit to himself/herself or another, fails to pay in time one of the following for a reason other than insolvency or a stay on payments imposed by a court:
  - (1) a withholding tax, a tax-at-source or a conveyance tax;
  - (2) a turnover tax calculated per calendar month or a comparable tax payable on certain insurance premiums;
  - (3) 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. (934/1996)
- (2) However, a slight failure which has been rectified without delay is not deemed a tax violation.
- (3) If a punitive tax increase is deemed a sufficient sanction, the report of, prosecution for or punishment for a tax violation may be waived.

Section 5 - *Subsidy fraud* (814/1998)

A person who

- (1) provides an authority deciding on subsidy false information that is conducive to essentially affecting the granting of a subsidy or the amount or conditions thereof, or conceals essentially relevant information, or
- (2) neglects to provide information on a change in circumstances that is conducive to essentially affecting the granting of a subsidy or the amount or conditions thereof, and a duty 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.

Section 6 - *Aggravated subsidy fraud* (769/1990)

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

Section 7 - *Subsidy misuse* (769/1990)

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 to its intended purposes shall be sentenced for *subsidy misuse* to a fine or to imprisonment for at most two years.

Section 8 - *Subsidy violation* (769/1990)

- (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 *subsidy violation* to a fine.
- (2) If the recovery of the subsidy is deemed a sufficient sanction, the report of, prosecution of or punishment for a subsidy violation may be waived.

Section 9 - *Definitions* (814/1998)

- (1) For the purposes of this chapter, a *tax* means also
  - (1) an advance tax and a public fee that is comparable to a tax, and
  - (2) a levy collected on the behalf of the European Communities, to be forwarded to the European Communities for inclusion in the Community budget or another budget maintained by or for the European Communities.
- (2) For the purposes of this chapter, a *subsidy* means financial support, granted for purposes other than personal consumption,

- (1) on the basis of law or discretion from the funds of the State, a municipality or other public corporation or, in accordance with a separate statutory provision, from the funds of another corporation or foundation, or
- (2) from the Community budget or another budget maintained by or for the European Communities.
- (3) Also a loan, interest support and security for a loan is deemed financial support.
- (4) Subsidy means also a state grant or state subsidy to a municipality or federation of municipalities.

Section 10 - *Corporate criminal liability* (61/2003)

The provisions on corporate criminal liability apply to tax fraud and aggravated tax fraud that is directed at a tax referred to in section 9(1)(2) and to subsidy fraud, aggravated subsidy fraud and misuse of a subsidy.

## Chapter 30 - **Business offences**

Section 1 - *Marketing offence* (475/1999)

A person who in the professional marketing of goods, services, real estate, the bonds and securities of a private limited-liability company 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.

Section 2 - *Unfair competition offence* (769/1990)

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

Section 3 - *Consumer credit offence* (515/1999)

A person who in business, for receivables based on consumer credit, takes an obligation based on a bill of exchange or other security prohibited by chapter 7, section 14 of the Consumer Protection Act of uses a draft ('tratta') in the collection of consumer debt 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.

Section 4 - *Business espionage* (769/1990)

- (1) A person who unjustifiably obtains information regarding the business secret of another
  - (1) by entering an area closed to unauthorised persons or accessing an information system protected against unauthorised persons,
  - (2) by gaining possession of or copying a document or other record, or in 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 the law, for *business espionage* to a fine or to imprisonment for at most two years.
- (2) An attempt is punishable.

Section 5 - *Violation of a business secret* (769/1990)

- (1) A person who, in order to gain financial benefit for himself/herself or another, or to injure another, unlawfully discloses the business secret of another or unlawfully utilises such a business secret, having gained knowledge of the secret
  - (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 fiduciary business relationship; or
- (4) in connection with company restructuring proceedings, shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *violation of a business secret* to a fine or to imprisonment for at most two years. (54/1993)
- (2) This section does not apply to an act that a person referred to in subsection 1(1) has undertaken after two years has passed since his/her period of service has ended. (61/2003)
- (3) An attempt is punishable. (61/2003)

Section 6 - *Misuse of a business secret* (769/1990)

A person who unjustifiably

- (1) uses in business a business secret that has been obtained or revealed through an act punishable under this Code or
- (2) in order to obtain financial benefit for himself/herself or another reveals such a secret

shall be sentenced for *misuse of a business secret* to a fine or to imprisonment for at most two years.

Section 7 - *Bribery in business* (769/1990)

A person who promises, offers or gives an unlawful benefit (*bribe*) to

- (1) a person in the service of a businessman,
- (2) a member of the administrative board or board of directors, the managing director, auditor or receiver of a corporation or of a foundation engaged in business, or
- (3) a person carrying out a duty on behalf of a business,

intended for the recipient or another, in order to have the bribed person, in his/her function or duties, favour the briber 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.

Section 8 - *Acceptance of a bribe in business* (604/2002)

(1) A person who

- (1) in the service of a business,
- (2) as a member of the administrative board or board of directors, the managing director, auditor or receiver of a corporation or of a foundation engaged in business or
- (3) in carrying out a duty on behalf of a business

demands, accepts or receives a bribe for himself/herself or another or otherwise takes an initiative towards receiving such a bribe, for favouring or as a reward for such favouring, in his/her function or duties, the briber or another, shall be sentenced for *acceptance of a bribe in business* to a fine or to imprisonment for at most two years.

Section 9 - *Accounting offence* (61/2003)

If a person with a legal duty to keep accounts, his/her representative, a person exercising actual decision-making authority in a corporation with a legal duty to keep books, or the person entrusted with the keeping of accounts,

- (1) in violation of the requirements of legislation on accounting neglects 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 impedes the obtaining of a true and sufficient picture of the financial result of the business of the said person or of his/her financial standing, he/she shall be sentenced for an *accounting offence* to a fine or to imprisonment for at most two years.

Section 9 a - *Aggravated accounting offence* (61/2003)

If in the accounting offence

- (1) the recording of business transactions or the closing of the books is neglected in full or to an essential degree,
- (2) there is a considerable amount of false or misleading information, these pertain to large amounts or they are based on falsified certificates, or
- (3) the accounts are destroyed or hidden in full or to an essential degree or they are damaged to an essential degree

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

#### Section 10 – *Negligent accounting offence* (61/2003)

If a person with a legal duty to keep accounts, the representative of such a person, a person exercising actual decision-making authority in a corporation with a legal duty to keep books, or a person commissioned to keep the accounts, through gross negligence

- (1) neglects in full or in part the recording of business transactions or the closing of the books, or
- (2) destroys, misplaces or damages account documents

and in this manner essentially impedes the obtaining of a true and sufficient picture of the financial result or financial position of the activity of the person with a legal duty to keep books, he/she shall be sentenced for a *negligent accounting offence* to a fine or to imprisonment for at most two years.

#### Section 11 - *Definition* (769/1990)

For the purposes of this chapter, a *business secret* is defined as a business or professional secret and to other corresponding business information that a businessman keeps secret and the revelation of which would be conducive to causing financial loss to him/her or to another businessman who has entrusted him/her with the information.

#### Section 12 - *Right to bring charges* (769/1990)

- (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 section 2 or in sections 4 - 8 unless the injured party reports the offence for the bringing of charges or unless a very important public interest requires that charges be brought.

#### Section 13 - *Corporate criminal liability* (743/1995)

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

## Chapter 31 - **Robbery and extortion**

#### Section 1 - *Robbery* (769/1990)

- (1) A person who
  - (1) through the use or direct threat of violence against a person, appropriates or without authorisation 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/she 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 is punishable.

- (3) A person who is caught in the act of the appropriation or taking into use referred to in paragraph (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 minor significance 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 offences which the act incorporates.

#### Section 2 - *Aggravated robbery* (769/1990)

- (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 lethal instrument is used or
  - (4) the offence is directed at a person who cannot protect himself/herself or his/her property owing to the work or a task involved with his/her profession or position
 and the robbery is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated robbery* to imprisonment for at least two and at most ten years.
- (2) An attempt is punishable.

#### Section 3 - *Extortion* (769/1990)

- (1) A person who through a threat other than one referred to in section 1 forces another to relinquish an economic benefit to which the offender or the person on whose behalf he/she 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 is punishable.

#### Section 4 - *Aggravated extortion* (769/1990)

- (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 the special weakness or other insecure state of another,
  - (3) the financial benefit which the other is forced to relinquish is especially valuable or
  - (4) particularly severe loss is caused to the victim of the offence in view of his/her circumstances
 and the extortion is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated extortion* to imprisonment for at least four months and at most four years.
- (2) An attempt is punishable.

### Chapter 32 - **Receiving and money laundering offences**

#### Section 1 - *Receiving offence* (769/1990)

- (1) A person who hides, procures, takes into his/her possession or conveys property obtained from another through theft, embezzlement, robbery, extortion, fraud, usury or means of payment fraud or otherwise handles such property shall, unless the act is punishable as money laundering, be sentenced for a *receiving offence* to a fine or to imprisonment for at most one year and six months. (61/2003)
- (2) A person shall be sentenced for a receiving offence if he
  - (1) receives, transforms, conveys or transfer assets or other property which he/she 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 subparagraph (1), or (79/1998)
- (3) fails to make a notification referred to in section 10 of the Act on the Detection and Prevention of Money Laundering (68/1998) or, in violation of the prohibition provided in section 10, discloses a notification referred to therein. (79/1998)

Section 2 - *Aggravated receiving offence* (769/1990)

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

Section 3 - *Professional receiving offence* (769/1990)

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.

Section 4 - *Negligent receiving offence* (61/2003)

A person who procures, takes possession of or transfers property acquired through an offence referred to in section 1, or otherwise handles such property, even though he/she 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.

Section 5 - *Receiving violation* (769/1990)

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.

Section 6 - *Money laundering* (61/2003)

(1) A person who

- (1) receives, uses, converts, conveys, transfers or transmits property acquired through an offence, the proceeds of crime or property replacing such property in order to conceal or obliterate the illegal origin of such proceeds or property or in order to assist the offender in evading the legal consequences of the offence or
- (2) conceals or obliterates the true nature, origin, location or disposition of, or rights to, property acquired through an offence, the proceeds of an offence or property replacing such property or assists another in such concealment or obliteration,

shall be sentenced for *money laundering* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 7 - *Aggravated money laundering* (61/2003)

(1) If in the money laundering

- (1) the property acquired through the offence has been very valuable or
- (2) the offence is committed in a particularly deliberate manner,

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

(2) An attempt is punishable.

Section 8 – *Conspiracy for the commission of aggravated money laundering* (61/2003)

A person who agrees with another on the commission of aggravated money laundering directed at the proceeds of bribery, the acceptance of a bribe, or aggravated tax fraud or aggravated subsidy fraud directed at the tax referred to in chapter 29, section 9(1)(2), or at property replacing such proceeds, shall be sentenced for *conspiracy for the commission of aggravated money laundering* to a fine or to imprisonment for at most one year.

Section 9 – *Negligent money laundering* (61/2003)

A person who through gross negligence undertakes the actions referred to in section 6 shall be sentenced for *negligent money laundering* to a fine or to imprisonment for at most two years.

Section 10 – *Money laundering violation* (61/2003)

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

Section 11 – *Restrictive provisions* (61/2003)

- (1) A person who is an accomplice in the offence through which the property was obtained or that produced the proceeds shall not be sentenced for the offence referred to in this chapter.
- (2) The provisions of this chapter do not apply to a person living in a joint household with the offender, and who only used or consumed property obtained by the offender for ordinary needs in the joint household.

Section 12 – *Forfeiture* (61/2003)

- (1) Property that has been the target of an offence referred to in section 6, 7 or 9, shall be ordered forfeit to the State. The provisions of chapter 10, section 11(3) apply to the forfeiture.
- (2) The provisions of chapter 10 apply to forfeiture of other property.

Section 13 – *Right to bring a charge* (61/2003)

The public prosecutor shall not bring charges for a receiving offence unless the injured party has reported the offence for the bringing of charges or unless a very important public interest requires that charges be brought.

Section 14 – *Corporate criminal liability* (61/2003)

The provisions on corporate criminal liability apply to a receiving offence, an aggravated receiving offence, a professional receiving offence, money laundering and aggravated money laundering.

## Chapter 33 – **Forgery offences**

Section 1 – *Forgery* (769/1990)

- (1) A person who prepares a false document or other item or falsifies such a document or item in order for it to be used as misleading evidence or uses a false or falsified item as misleading evidence shall be sentenced for *forgery* to a fine or imprisonment for at most two years.
- (2) An attempt is punishable. (xx/2003)

Section 2 – *Aggravated forgery* (769/1990)

- (1) If in the forgery
  - (1) the item 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 the item otherwise has a particularly significant probative value, or
  - (2) the offender uses technical equipment procured for the commission of forgery offences or otherwise acts in a particularly methodical manner

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

- (2) An attempt is punishable. (xx/2003)

Section 3 - *Petty forgery* (769/1990)

If the forgery, when assessed as a whole, with due consideration to the nature of the item 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.

Section 4 - *Possession of forgery materials* (xx/2003)

A person who without acceptable reason

- (1) receives, procures, transports or possesses a false or falsified piece of evidence; or
- (2) prepares, receives, procures, sells, transfers or possesses an item or a device that can justifiably be suspected of being primarily used in the commission of forgery offences

shall be sentenced for *possession of forgery materials* to a fine or to imprisonment for at most six months.

Section 5 - *Falsification of a landmark* (769/1990)

A person who in order to hinder the verification of legally relevant terrain features sets 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.

Section 6 - *Definitions* (769/1990)

- (1) For the purposes of this Code, *item* is defined as 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, duties or facts.
- (2) An item 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) An item is *falsified* if its contents have been unjustifiably altered in respect of a datum that has probative relevance.

Section 7 - *Corporate criminal liability* (xx/2003)

The provisions on corporate criminal liability apply to forgery, aggravated forgery and possession of forgery instruments.

Chapter 34 - **Endangerment** (578/1995)

Section 1 - *Criminal mischief* (578/1995)

- (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 economic 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/she damages or destroys property or unlawfully interrupts the operation of the production, supply or communications channels, so that serious danger is caused to power supply, health care, defence, administration of the law or another corresponding important societal function.
- (3) An attempt is punishable.

Section 2 - *Criminal traffic mischief* (343/2000)

- (1) A person who
  - (1) destroys a vehicle or a fixed platform, their 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 or airport, on a fixed platform, or carrying out traffic control duties,
 so that the act is conducive to causing general danger to life or health in traffic or on a fixed platform, 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 is punishable.

Section 3 - *Aggravated criminal mischief* (578/1995)

- (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 societal function; or
  - (3) during a war or other state of emergency
 and the offence is aggravated also 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 is punishable.

Section 4 - *Health endangerment* (400/2002)

- (1) A person who
  - (1) by poisoning or by another comparable manner renders foodstuffs or other substances intended for human consumption or use dangerous to health, or keeps such dangerous substances available to others;
  - (2) spreads a dangerous disease;
  - (3) operates a radiation source in violation of the Radiation Act (592/1991);
  - (4) uses nuclear energy or nuclear waste or acts in the use of nuclear energy in violation of the Nuclear Energy Act (990/1987); or
  - (5) prepares, uses, imports, keeps for sale or conveys organisms that have been altered through genetic technology or products containing such organisms in violation of the Genetic Technology Act (377/1995)
 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 is punishable.

Section 5 - *Aggravated health endangerment* (578/1995)

- (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 is punishable.

Section 6 - *Nuclear device offence* (578/1995)

- (1) A person who imports, produces or detonates a nuclear device in Finland or has one in his/her possession shall be sentenced for a *nuclear device offence* to imprisonment for at least two and at most ten years.
- (2) A person who detonates a nuclear device in Antarctica shall also be sentenced for a nuclear device offence. (29/1996)
- (3) An attempt is punishable.

Section 7 - *Negligent endangerment* (578/1995)

- (1) A person who intentionally or negligently commits an act referred to in section 1, section 2 or section 4 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 section 6 shall also be sentenced for negligent endangerment.
- (3) The prosecution or punishment for the negligent endangerment referred to in paragraph (1) may be waived, if the offender by his/her own action removes the danger before essential damage has been caused by the dangerous situation.

Section 8 - *Gross negligent endangerment* (578/1995)

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 *gross negligent endangerment* to imprisonment for at least four months and at most four years.

Section 9 - *Preparation of endangerment* (578/1995)

- (1) A person who, in order to commit an offence referred to in section 1 - 5 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.

Section 9a - *Criminal computer mischief* (951/1999)

A person who, in order to cause harm to automatic data processing or the functioning of a data system or telecommunications system,

- (1) produces or makes available a computer program or set of programming instructions designed to cause harm to automatic data processing or the functioning of a data system or telecommunications system or to damage the data or software contained in such a system, or distributes such a program or set of instructions, or
  - (2) makes available guidelines for the production of a computer program or set of programming instructions or distributes such guidelines,
- shall be sentenced, unless an equally severe or more severe penalty for the act is provided elsewhere in the law, for *criminal computer mischief* to a fine or to imprisonment for at most two years.

*Section 13b has been repealed.*

Section 10 - *False alarm* (578/1995)

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

Section 11 - *Hijacking* (17/2003)

- (1) A person who by violence or a threat thereof unlawfully
  - (1) influences the piloting of an airborne aircraft, a merchant vessel at sea, a rail traffic vehicle in traffic or a motor vehicle in mass transit;
  - (2) takes control of an aircraft, a merchant vessel at sea or a rail traffic vehicle in traffic so that flight safety, shipping safety or rail traffic safety are endangered or takes control of a motor vehicle in mass transit so that traffic safety is seriously endangered; or
  - (3) takes control of a fixed platform
 shall be sentenced for *hijacking* to imprisonment for at least two and at most ten years.
- (2) An attempt is punishable.

- (3) If the hijacking referred to in subsection 1(1) or 1(2) endangers flight safety, shipping safety or rail traffic safety only slightly, or causes less than serious danger to other traffic safety, and the offence, in view of the nature of the violence or threat or of the nature of the other unlawful means used in the offence or the other circumstances connected with the offence, is of minor significance also when assessed as a whole, the offender shall not be sentenced for hijacking but for those other offences that the act constitutes.

Section 12 - *Definition* (343/2000)

For the purposes of this chapter, a fixed platform is defined as an artificial island, apparatus or facility which has been permanently fixed to the seabed for purposes of research into, or exploitation of, natural resources, or for other commercial purposes.

*Section 13 has been repealed.*

## Chapter 34 a – Terrorist offences (17/2003)

### Section 1 – *Offences made with terrorist intent*

- (1) A person who, with terrorist intent and in a manner that is likely to cause serious harm to a State or an international organisation
  - (1) makes an unlawful threat or a false report of a danger shall be sentenced to imprisonment for at least four months and at most three years,
  - (2) deliberately causes a danger or commits a deliberate explosives offence or an offence against the Edged Weapons Act (108/1977) shall be sentenced to imprisonment for at least four months and at most four years,
  - (3) commits an aggravated theft or an aggravated theft for temporary use directed against a motor vehicle suitable for public transport or the transport of goods, sabotage, traffic sabotage, endangerment of health, aggravated damage to property, aggravated firearms offence or an export offence referred to in the Act on the Export and Transit of Defence Supplies (242/1990) shall be sentenced to imprisonment for at least four months and at most six years,
  - (4) violates a ban on chemical weapons, violates a ban on biological weapons or engages in deliberate aggravated pollution of the environment committed in the manner referred to in chapter 48, section 1(1)(1) shall be sentenced to imprisonment for at least four months and at most eight years,
  - (5) commits aggravated assault, kidnapping, the taking of a hostage, aggravated sabotage, aggravated endangerment of health, a nuclear weapon offence or hijacking shall be sentenced to imprisonment for at least two and at most twelve years,
  - (6) commits the offence of killing shall be sentenced to imprisonment for at least four and at most twelve years, or
  - (7) commits homicide shall be sentenced to imprisonment for at least eight years or for life.
- (2) A person who commits murder with terrorist intent shall be sentenced to imprisonment for life.
- (3) An attempt is punishable.

### Section 2 – *Preparation of an offence to be committed with terrorist intent*

A person who, in order to commit an offence referred to in section 1(1)(2-7) or 1(2),

- (1) agrees with another person or prepares a plan to commit such an offence,
- (2) prepares, keeps in his/her possession, acquires, transports, uses or gives to another an explosive, a chemical or biological weapon or a toxin weapon, a firearm or a dangerous object or substance, or
- (3) acquires equipment or materials for the preparation or a nuclear explosive, a chemical or biological weapon or a toxin weapon or acquires formulas or diagrams for their production,

shall be sentenced for *preparation of an offence to be committed with terrorist intent* to a fine or to imprisonment for at most three years.

### Section 3 – *Directing of a terrorist group*

- (1) A person who directs a terrorist group, the activity of which has involved the commission of an offence referred to in section 1(1)(2-7) or the offence referred to in section 1(2) or a punishable attempt at such an offence or the offence referred to in section 2 shall be sentenced for *directing of a terrorist group* to imprisonment for at least two and at most twelve years.
- (2) A person who directs a terrorist group in the activity of which only the offence referred to in section 1(1)(1) has been committed shall be sentenced to imprisonment for at least four months and at most six years.
- (3) A person who is sentenced for directing of a terrorist group shall also be sentenced for an offence referred to in section 1 or the punishable attempt of

such an offence or an offence referred to in section 2 that he or she has committed or that has been committed in the activity of a terrorist group under his/her direction.

#### Section 4 – *Promotion of the activity of a terrorist group*

- (1) A person who in order to promote, or aware that his or her activity promotes, the criminal activity referred to in sections 1 or 2 of a terrorist group
  - (1) establishes or organises a terrorist group or recruits or attempts to recruit persons for a terrorist group,
  - (2) supplies or seeks to supply a terrorist group with explosives, weapons, ammunition or material or equipment intended for the preparation of these or with other dangerous objects or material,
  - (3) implements, seeks to implement or provides training for a terrorist group for criminal activity,
  - (4) obtains or seeks to obtain or gives to a terrorist group premises or other facilities that it needs or means of transport or other implements that are especially important from the point of view of the activity of the group,
  - (5) obtains or seeks to obtain information which, if transmitted to a terrorist group, would be likely to cause serious harm to the State or an international organisation, or transmits, gives or discloses such information to a terrorist group,
  - (6) manages important financial matters for a terrorist group or gives financial or legal advice that is very important from the point of view of such a group, or
  - (7) commits an offence referred to in chapter 32, section 1(2)(1) or 1(2)(2),
 shall be sentenced, if the offence referred to in section 1 or a punishable attempt at such an offence is carried out in the activity of the terrorist group, and unless the act is punishable under section 1 or 2 or unless an equally or more severe punishment is decreed elsewhere in law for it, to *promotion of the activity of a terrorist group* to imprisonment for at least four months and at most eight years.
- (2) What is provided above in paragraph 6 regarding legal advice does not apply to the performance of the functions of a legal counsel or attorney in connection with the pre-trial investigation of an offence, court proceedings or the enforcement of a sentence.

#### Section 5 – *The financing of terrorism*

- (1) A person who directly or indirectly provides or collects funds in order to finance, or aware that these shall finance
  - (1) the taking of a hostage or hijacking,
  - (2) sabotage, aggravated sabotage or preparation of an offence of general endangerment that is to be deemed an offence referred to in the International Convention for the Suppression of Terrorist Bombing (Treaty Series 60/2002),
  - (3) sabotage, traffic sabotage, aggravated sabotage or the preparation of an offence of general endangerment that is to be deemed an offence referred to in the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Treaty Series 56/1973), the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Treaty Series 43/1998), the Convention for the Suppression of Unlawful Act Against the Safety of Maritime Navigation (Treaty Series 11/1999) or the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (Treaty Series 44/2000),
  - (4) a nuclear explosives offence, endangerment of health, aggravated endangerment of health, a nuclear energy use offence or other criminalised offence directed at a nuclear weapon or committed through the use of nuclear material, that is to be deemed an offence referred to in the Convention on the Physical Protection of Nuclear Material (Treaty Series 72/1989), or
  - (5) murder, homicide, killing, aggravated assault, deprivation of liberty, aggravated deprivation of liberty, kidnapping, taking of a hostage or



aggravated disturbance of public peace or the threat of such an offence, when the act is directed against a person who is referred to in the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents (Treaty Series 63/1978), shall be sentenced for the *financing of terrorism* to imprisonment for at least four months and at most eight years.

- (2) Also a person who directly or indirectly provides or collects funds in order to finance or aware that they are used to finance the offences referred to in section 1 shall be sentenced for the financing of terrorism.
- (3) An attempt is punishable.
- (4) What is provided in the foregoing in this section does not apply if the offence is punishable as an offence referred to in paragraph 1, subparagraphs 1 through 5 or an attempt of such an offence or complicity in such an offence or, according to sections 1 or two or elsewhere in law a more severe sentence is provided for it.

#### Section 6 - *Definitions*

- (1) An offender has a *terrorist intent* if it is his or her intent to:
  - (1) cause serious fear among the population,
  - (2) unjustifiably force the government of a state or another authority or an international organisation to perform, allow or abstain from performing any act,
  - (3) unjustifiably overturn or amend the constitution of a state or seriously destabilise the legal order of a state or cause particularly harm to the state economy or the fundamental social structures of the state, or
  - (4) cause particularly extensive harm to the finances or other fundamental structures of an international organisation.
- (2) A *terrorist group* refers to a structured group of a least three persons established over a period of time and acting in concert in order to commit offences referred to in section 1.
- (3) An *international organisation* refers to an intergovernmental organisation or to an organisation which, on the basis of its significance and international recognised position, is comparable to an intergovernmental organisation.

#### Section 7 – *Right of prosecution*

The Prosecutor-General decides on the bringing of charges for offences referred to in this chapter. In so doing the Prosecutor-General shall also designate the person who is to bring the charges.

#### Section 8 – *Corporate criminal liability*

- (1) The provisions on the criminal liability of legal persons apply to the offences referred to in this chapter.
- (2) The provisions on corporate criminal liability apply also to robbery, aggravated robbery, extortion or aggravated extortion committed in order to commit an offence referred to in section 1 or section 2(1)(3) of this chapter as well as to forgery or aggravated forgery committed in order to commit the offence referred to in section 1, paragraph 1, subparagraphs 2-7 or paragraph 2, section 2, paragraph 1, subparagraph 3 or in section 4 or 5 of this Act.

### Chapter 35 - **Criminal damage**

#### Section 1 - *Criminal damage* (769/1990)

- (1) A person who unjustifiably destroys or damages the property of another shall be sentenced for *criminal damage* 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 sentenced for criminal damage.

#### Section 2 - *Aggravated criminal damage* (769/1990)

- (1) If the criminal damage causes

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

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

- (2) An attempt is punishable. (17/2003)

#### Section 3 - *Petty criminal damage* (769/1990)

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

#### Section 4 - *Jointly owned property* (769/1990)

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

#### Section 5 - *Restriction on application* (769/1990)

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

#### Section 6 - *Right to bring charges* (769/1990)

If the sole object of the offence referred to in section 1 or section 3 is private property, the public prosecutor shall not bring charges unless the injured party has reported it for the bringing of charges.

#### Section 7 - *Waiver of measures* (769/1990)

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

## Chapter 36 - **Fraud and other dishonesty**

### Section 1 - *Fraud* (769/1990)

- (1) A person who, in order to obtain unlawful financial benefit for himself/herself 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 economic 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, altering, destroying or deleting data or by otherwise interfering with the operation of a data system, falsifies the end result of data processing and in this way causes another person economic loss shall also be sentenced for fraud. (xx/2003)
- (3) An attempt is punishable.

### Section 2 - *Aggravated fraud* (769/1990)

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

- (2) An attempt is punishable.

Section 3 - *Petty fraud* (769/1990)

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.

Section 4 - *Insurance fraud* (769/1990)

A person who, in order to obtain unjustified compensation from insurance for himself/herself 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/she is guilty of fraud or attempted fraud directed at the same property, for *insurance fraud* to a fine or to imprisonment for at most one year.

Section 5 - *Misuse of a position of trust* (769/1990)

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

(1) by undertaking an act to which he/she has no right or

(2) by neglecting his/her function in full or in part

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

Section 6 - *Usury* (769/1990)

- (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 a contract or other transaction, obtains or requires for himself/herself or another economic 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/herself or another interest or other economic 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.

Section 7 - *Aggravated usury* (769/1990)

If the usury

(1) involves the seeking of considerable benefit,

(2) causes considerable or particularly significant loss,

(3) involves the offender taking unscrupulous advantage of a special weakness or other insecure state of another, or

(4) is committed in a particularly methodical manner

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

Section 8 - *Right to bring charges* (769/1990)

- (1) The public prosecutor shall not bring charges for petty fraud or the misuse of a position of trust unless the injured party 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 (i) if a specially important public interest requires that charges be brought, (ii) if the management of the affairs is based on law or the order of an authority, (iii) if the offence was committed by an advocate or other person who is subject to public supervision in his/her functions or in a comparable position, or (iv) if the offence is directed at a corporation, foundation or other legal person subject to public supervision in those operations which are subject to the public supervision. (317/1994)

Section 9 – *Corporate criminal liability* (xx/2003)

The provisions on corporate criminal liability apply to the fraud referred to in section 1(2) of this chapter and to aggravated fraud when it has been committed in the manner provided in section 1(2).

## Chapter 37 - **Means of payment offences**

### Section 1 - *Counterfeiting* (369/2001)

- (1) A person who manufactures false money or falsifies money in order to pass it as legal tender or for this purpose imports, exports, procures, receives, transports, or transfers to another money that he/she knows false or falsified shall be sentenced for *counterfeiting* to imprisonment for at least four months and at most four years.
- (2) An attempt is punishable.

### Section 2 - *Aggravated counterfeiting* (769/1990)

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

### Section 3 - *Petty counterfeiting* (769/1990)

- (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 is punishable.

### Section 4 - *Preparation of counterfeiting* (369/2001)

A person who for purposes of a counterfeiting offence manufactures, imports, possesses, procures or receives a device, supplies, record, or application 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.

### Section 5 - *Use of counterfeit money* (769/1990)

- (1) A person who, after having received false or falsified money as legal tender, passes it on although he/she 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 is punishable.

### Section 6 - *Possession of counterfeit money* (769/1990)

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.

### Section 7 - *Circulation of imitation money* (769/1990)

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 legal tender shall be sentenced for *circulation of imitation money* to a fine or to imprisonment for at most one year.

### Section 8 - *Means of payment fraud* (769/1990)

- (1) A person who, in order to obtain unjustified economic benefit for himself/herself or another

- (1) uses a means of payment without the permission of the lawful holder, in excess of his/her 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. (602/1997)
- (2) Also a person who, by overdrawing his/her account or exceeding the agreed maximum credit limit, misuses a means of payment referred to in paragraph (1) and in this way causes economic loss to another shall be sentenced for means of payment fraud, unless when using the means of payment he/she intended to compensate the loss without delay.

Section 9 - *Aggravated means of payment fraud* (769/1990)

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

Section 10 - *Petty means of payment fraud* (769/1990)

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.

Section 11 - *Preparation of means of payment fraud* (xx/2003)

A person who, for the commission of means of payment fraud,

- (1) prepares, imports, procures, receives or possesses a means of payment form or
- (2) prepares, imports, procures, receives, possesses, sells or transfers a device or supplies intended particularly for the preparation of a means of payment form, or a file, program, device or supplies intended for payment operations over a telecommunications network,

shall be sentenced for *preparation of means of payment fraud* to a fine or to imprisonment for at most one year.

Section 12 - *Definitions* (602/1997)

- (1) For the purposes of this chapter,
  - (1) *money* is defined as to bank notes and coins that are legal tender in Finland or another country;
  - (2) *means of payment* is defined as bank cards, debit cards, credit cards, cheques and other objects and records which can be used in payment or for withdrawals or account transfers, or whose use is essential for this purpose; and
  - (3) *means of payment form* is defined as printed forms not in free circulation, to be filled in so as to constitute a means of payment, as well as cards and blank cards which are specifically meant for the production of a means of payment.
- (2) The provisions in this chapter on means of payment apply also to an account book and other certificate of deposit given in exchange for a deposit by a banking institution subject to public supervision.
- (3) The provisions in this chapter on money apply to banknotes and coins also before they have been released into circulation. (298/2000)

*Section 13 has been repealed.*

Section 14 - *Corporate criminal liability* (xx/2003)

The provisions on corporate criminal liability apply to counterfeiting, aggravated counterfeiting, petty counterfeiting, preparation of counterfeiting, use of counterfeit money, means of payment fraud and preparation of means of payment fraud.

Chapter 38 - **Data and communications offences** (578/1995)

Section 1 - *Secrecy offence* (578/1995)

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

- (1) discloses information which should be kept secret and which he/she has learnt by virtue of his/her position or task or in the performance of a duty; or
  - (2) makes use of such a secret for the gain of himself/herself or another
- shall be sentenced, unless the act is punishable under chapter 40, section 5, for a *secrecy offence* to a fine or to imprisonment for at most one year.

Section 2 - *Secrecy violation* (578/1995)

- (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 petty 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/she has violated a secrecy duty referred to in section 1 and it is specifically provided that such violation is punishable as secrecy violation.

Section 3 - *Message interception* (531/2000)

- (1) A person who unlawfully
  - (1) opens a letter or another closed communication addressed to another or hacks into the contents of an electronic or other technically recorded message which is protected from outsiders; or
  - (2) obtains information on the contents of a call, telegram, transmission of text, images or data, or another comparable telemesssage or on the transmission or reception of such a message
 shall be sentenced for *message interception* to a fine or to imprisonment for at most one year.
- (2) An attempt is punishable.

Section 4 - *Aggravated message interception* (578/1995)

- (1) If in the message interception
  - (1) the offender commits the offence by making use of his/her position in the service of a telecommunications company, as referred in the Act on the Protection of Privacy and Data Protection in Telecommunications (565/1999) or his/her other special position of trust; (567/1999)
  - (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 *aggravated message interception* to imprisonment for at most three years.
- (2) An attempt is punishable.

Section 5 - *Interference* (578/1995)

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.

Section 6 - *Aggravated interference* (578/1995)

If in the interference

- (1) the offender commits the offence by making use of his/her position in the service of an institution referred to in the Telecommunications Act, a cable operator referred to in the Cable Transmission Act (307/1987) or a public broadcasting institution, or his/her 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.

Section 7 - *Petty interference* (578/1995)

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.

Section 8 - *Computer break-in* (578/1995)

- (1) A person who by using an unauthorised access code or by otherwise breaking a protection unlawfully hacks 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 hacking 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 is punishable.
- (4) This section applies only to acts that are not subject to an equally severe or more severe penalty provided elsewhere in the law.

Section 8a — *Offence involving an illicit device for accessing protected services* (1118/2001)

A person who, in violation of the prohibition laid down in section 3 of the Act on the Prohibition of Illicit Devices for Accessing Protected Services (1117/2001), for commercial purposes or so that the act is conducive to considerable detriment or loss to a provider of protected services, manufactures, imports, offers for sale, rents out or distributes illicit devices, or advertises, installs or maintains the same, shall be sentenced for an *offence involving an illicit device for accessing protected services* to a fine or to imprisonment for at most one year, provided that a more severe or equally severe penalty for the act has not been laid down elsewhere in the law.

Section 9 - *Data protection offence* (525/1999)

A person who deliberately or grossly negligently

- (1) processes personal data in violation of the provisions of the Personal Data Act (523/1999) on the exclusivity of purpose, the general prerequisites for processing, the necessity and integrity of data, sensitive data, identification codes or the processing of personal data for specific purposes, or violates a specific provision on the processing of personal data; (480/2001)
- (2) by giving false or misleading information prevents or attempts to prevent a data subject from using his/her right of inspection; or
- (3) conveys personal data to states outside the European Union or the European Economic Area in violation of chapter 5 of the Personal Data Act,

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

Section 10 - *Right to bring charges* (578/1995)

- (1) If the object of a secrecy offence or a secrecy violation is information 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 injured party reports it for the bringing of charges or unless the offender has committed the offence in the service of a public postal or telecommunications institution or unless a very important public interest requires that charges be brought.
- (2) The public prosecutor shall not bring charges for message interception, aggravated message interception, computer break-in or an offence involving an illicit device for accessing protected services, unless the injured party 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 institution or unless a very important public interest requires that charges be brought. (1118/2001)
- (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.

Section 11 — *Forfeiture* (1118/2001)

An illicit device for accessing protected services, as referred to in section 8a, shall be ordered forfeit to the State.

**Chapter 39 - Offences by a debtor**

Section 1 – *Dishonesty by a debtor* (61/2003)

A debtor who

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

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

Section 1a - *Aggravated dishonesty by a debtor* (317/1994)

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.

Section 2 - *Fraud by a debtor* (769/1990)

- (1) A debtor who, in order to obtain unlawful financial benefit for himself/herself or another in bankruptcy, enforcement, debt adjustment or restructuring proceedings (610/1993)

- (1) conceals his/her property,
- (2) reports a liability that is false in full or in part, or based on a sham transaction,



- (3) gives other false or misleading information on a circumstance that is significant from the point of view of the creditors, or
  - (4) fails to report a liability,
- shall be sentenced for *fraud by a debtor* to a fine or to imprisonment for at most two years. (54/1993)
- (2) If the debtor rectifies the misleading information or otherwise prevents the effect of his/her act on the proceedings before he/she attests to the correctness of the estate inventory or before the misleading information otherwise affects the proceedings, the act is not deemed fraud by a debtor.

### Section 3 - *Aggravated fraud by a debtor* (769/1990)

If in the fraud by a debtor

- (1) considerable benefit is sought or
- (2) the debtor attests in court to the correctness of the false or misleading information

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

### Section 4 - *Deceitfulness by a debtor* (769/1990)

If the debtor without the intention of gaining benefit commits the act referred to in section 2 either intentionally or through gross negligence, he/she shall be sentenced for *deceitfulness by a debtor* to a fine or to imprisonment for at most one year.

### Section 5 - *Violation by a debtor* (769/1990)

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.

### Section 6 - *Favouring a creditor* (61/2003)

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

- (1) repays a debt before its maturity in circumstances where the repayment is irregular,
- (2) gives, for receivables of a creditor, collateral 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 regular, or
- (4) undertakes another similar arrangement that improves the position of the creditor,

he/she shall be sentenced for *favouring a creditor* to a fine or to imprisonment for at most two years.

### Section 7 - *Offender in an offence by a debtor* (769/1990)

A person who commits an offence referred to in sections 1 - 6 on behalf of the debtor shall be sentenced as if he/she were the debtor.

### Section 8 - *Definition* (769/1990)

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

### Section 9 - *Right to bring charges* (769/1990)

- (1) The public prosecutor shall not bring charges for a violation by a debtor or for favouring a creditor unless the injured party has reported it for the bringing of charges. (317/1994)
- (2) The injured parties in dishonesty by a debtor, aggravated dishonesty by a debtor and favouring a creditor are the creditors known at the time of the act of the

debtor. The injured parties in fraud by a debtor, aggravated fraud by a debtor, deceitfulness by a debtor and a violation by a debtor are in the cases referred to in section 2(1)(1–3) the creditors who participate in the liquidation or enforcement proceedings in question and in the case referred to in section 2(1)(4) the creditor to who the debt referred to is owed. (61/2003)

- (3) If the bankrupt estate of the debtor has been placed under administration in accordance with the Bankruptcy Code, the administration exercises the right of the injured parties 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/her own behalf.

## Chapter 40 - **Offences in office** (604/2002)

### Section 1 – *Acceptance of a bribe* (604/2002)

- (1) If a public official, for his/her actions while in service, for himself/herself or for another,
- (1) asks for a gift or other unjustified benefit or otherwise takes an initiative in order to receive such a benefit,
  - (2) accepts a gift or other benefit which influences, which is intended to influence or which is conducive to influencing him/her in said actions, or
  - (3) agrees to the gift or other benefit referred to in paragraph 2 or to a promise or offer thereof,
- he/she shall be sentenced for *acceptance of a bribe* to a fine or to imprisonment for at most two years.
- (2) A public official shall be sentenced for acceptance of a bribe also if for his/her actions while in service agrees to the giving of the gift or other benefit referred to in subsection 1(2) to another or to a promise of offer thereof.
- (3) A public official may also be sentenced to dismissal if the offence demonstrates that he/she is manifestly unfit for his/her duties.

### Section 2 – *Aggravated acceptance of a bribe* (604/2002)

If in the acceptance of a bribe

- (1) the public official stipulates the bribe as a condition for his/her actions or it is his/her intention, because of the gift or benefit, to act in a manner contrary to his/her 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 a bribe is aggravated also when assessed as a whole, the public official shall be sentenced for *aggravated acceptance of a bribe* to imprisonment for at least four months and at most four years and in addition to dismissal from office.

### Section 3 – *Bribery violation* (604/2002)

If a public official, for himself/herself or for another

- (1) asks for a gift or other unlawful benefit or otherwise takes an initiative in order to receive such a benefit, or
  - (2) accepts or agrees to a gift or other benefit or agrees to a promise or offer of such a gift or other benefit
- so that the actions are conducive to weakening confidence in the impartiality of the actions of authorities, he/she shall be sentenced, if the act is not punishable as the acceptance of a bribe or aggravated acceptance of a bribe, for a *bribery violation* to a fine or to imprisonment for at most six months.

### Section 4 – *Acceptance of a bribe as a member of Parliament* (604/2002)

If a member of Parliament, for himself/herself or for another

- (1) requests a gift or other unlawful benefit or otherwise takes an initiative in order to receive such a benefit, or
- (2) accepts or agrees to accept a gift or other unlawful benefit or agrees to a promise or offer of such a gift or other benefit

and promises, in exchange for the benefit, to act in his/her parliamentary mandate so that a matter being considered or to be considered by Parliament would be decided in a certain way, he/she shall be sentenced for *acceptance of a bribe as a member of Parliament* to a fine or to imprisonment for at most four years.

Section 5 - *Breach and negligent breach of official secrecy* (604/2002)

- (1) If a public official deliberately, while in service or thereafter, unlawfully
  - (1) discloses a document or information which under the Act on the Openness of Government Activities (621/1999) or another Act is to be kept secret or not disclosed, or
  - (2) makes use of the document or information referred to in paragraph (1) to the benefit of himself/herself or to the loss of another,
 he/she shall be sentenced, unless a more severe penalty for the act has been laid down elsewhere, for *breach of official secrecy* to a fine or to imprisonment for at most two years. A public official may also be sentenced to dismissal if the offence demonstrates that he/she is manifestly unfit for his/her duties.
- (2) If a public official commits the offence referred to in subsection 1 through negligence, and the act, in view of its harmful and damaging effects and the other relevant circumstances, is not of minor significance, he/she shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *negligent breach of official secrecy* to a fine or to imprisonment for at most six months.

*Section 6 has been repealed.*

Section 7 - *Abuse of public office* (604/2002)

- (1) If a public official, in order to obtain benefit for himself/herself or for another or in order to cause detriment or loss to another
  - (1) violates his/her official duty, based on the provisions or regulations to be followed in official functions, when participating in decision-making or in the preparation thereof or when using public authority in his/her other official functions, or
  - (2) misuses his/her office in respect of a person who is under his/her command or immediate supervision,
 he/she shall be sentenced for *abuse of public office* to a fine or to imprisonment for at most two years.
- (2) The public official may also be sentenced to dismissal if the offence indicates that he/she is manifestly unfit for his/her duties.

Section 8 - *Aggravated abuse of public office* (792/1989)

If in the abuse of public office

- (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 abuse of public office is aggravated also when assessed as a whole, the public official shall be sentenced for *aggravated abuse of public office* to imprisonment for at least four months and at most four years and to dismissal.

Section 9 - *Violation of official duty* (604/2002)

- (1) If a public official, when acting in his/her office, deliberately in a manner other than provided above in this chapter violates his/her official duty 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/she shall be sentenced for *violation of official duty* to a fine or to imprisonment for at most one year.
- (2) The public official may also be sentenced to dismissal if he/she is guilty of the offence referred to in subsection 1 by continuously or essentially acting in

violation of his/her official duties, and the offence indicates that he/she is manifestly unfit for his/her duties.

Section 10 – *Negligent violation of official duty* (604/2002)

If a public official, when acting in his/her office, through carelessness in a manner other than that referred to in section 5(2), violates his/her official duty 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/she shall be sentenced for *negligent violation of official duties* to a warning or to a fine.

Section 11 – *Definitions* (604/2002)

For the purposes of the present law:

- (1) a *public official* is defined as a person who serves in an office or in a comparable position of service in respect of the state, a municipality or an association of municipalities or of a co-operative body under public law of municipalities, Parliament, a state-owned company or the Evangelical Lutheran Church or the Orthodox Church or its parish or a co-operative body among parishes, the province of Åland, the Bank of Finland, the Social Insurance Institution, the Institute of Occupational Health, a municipal pension institution, the Municipal Surety Centre or a municipal labour market office;
- (2) a *person elected to a public office* is defined as a member of a municipal council and any other member of a popularly elected representative body of a public body referred to in paragraph 1 other than a member of Parliament acting in his/her Parliamentary mandate, and a member of a public body or institution referred to in paragraph 1, such as the Government, municipal executive board, board, board of directors, committee, commission and advisory board and any other elected official of said public body or institution;
- (3) an *employee of a public corporation* is defined as a person under a contract of employment with a public body or institution referred to in paragraph 1;
- (4) a *foreign public official* is defined as a person who has been appointed or elected to an administrative or judicial office or position in a body or court of a foreign state or public international organisation, or who otherwise attends to a public function on behalf of a body or court of a foreign state or public international organisation;
- (5) a *person exercising public authority* is defined as
  - (a) a person whose functions on the basis of an act or decree include issuing orders that oblige another or deciding on the interest, rights or duties of another, or who on the basis of an act or decree in fact in his/her duties intervenes into the benefits or rights of another, and
  - (b) a person who on the basis of an act or decree or on the basis of a commission from an authority on the basis of an act or decree participates in the preparation of a decision referred to in paragraph (a) by presenting a draft decision or a proposal for a decision, preparing a report or plan, taking a sample, carrying out an inspection or in another corresponding manner;
- (6) a *member of a foreign Parliament* is defined as a person who is a member of the Parliament of a foreign state or the International Parliamentary Assembly.

Section 12 – *Provisions on the scope of application* (604/2002)

- (1) The provisions in this chapter on public officials apply also to a person tending to a public elected office and to a person exercising public authority.
- (2) Sections 1 through 3, 5 and 14 of this chapter apply, with the exception of dismissal, also to an employee of a public corporation.

- (3) Sections 1 through 3 and of this chapter, with the exception of dismissal, apply also to foreign public officials. In addition, sections 5 and 7 through 10 of this chapter, with the exception of the sanction of dismissal, apply to a foreign public official who serves in the territory of Finland on the basis of an international agreement or other international obligation in inspection, surveillance, pursuit or pre-trial investigation duties.
- (4) Sections 4 and 14 of this chapter apply also to members of a foreign Parliament.
- (5) Separate legislation applies to the application in certain cases of provisions on penal liability as a public official.

Section 13 – *Offences in military office* (604/2002)

The offences referred to in chapter 45, where committed by public officials subject to military penal provisions, are also offences in public office.

Section 14 – *Forfeiture* (604/2002)

The gift or benefit received in the manner referred to above in sections 1 through 4 or its value shall be ordered forfeit to the State from the offender or from the person on whose behalf or in whose favour the offender has acted. The provisions of chapter 10 apply to the forfeiture of other property.

*Chapters 41 and 42 have been repealed.*

## Chapter 43 - **Infringement of proper behaviour**

*Sections 1 - 6 have been repealed.*

Section 7

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

*Section 8 has been repealed.*

## **Chapter 44 – Offences endangering health and safety** (400/2002)

Section 1 – *Health offence*

- (1) A person who deliberately or through gross negligence in violation of
  - (1) the Pesticide Act (327/1969),
  - (2) the Product Safety Act (914/1986),
  - (3) the Chemical Act (744/1989),
  - (4) the Health Protection Act (763/1994),
  - (5) the Foodstuffs Act (361/1995) or
  - (6) the Act on Hygiene of Foodstuffs Derived from Animals (1195/1996)
 or of a regulation or order issued on their basis or of an order issued in an individual case produces, handles, imports or deliberately attempts to import, keeps in his/her possession, store, transports, keeps for sale, conveys or gives goods or substances so that the act is conducive to endangering the life or health of another, shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *health offence* to a fine or to imprisonment for at most six months.
- (2) Unless a more severe penalty for the act has been provided elsewhere in the law, a person who deliberately or through gross negligence, in violation of the Product Safety Act or a provision given on its basis or of an order given in general or in an individual case carries out, keeps for sale or otherwise in connection with his/her commercial activity provides a consumer service so that the act is conducive to endangering the life or health of another shall also be sentenced for a health offence.

Section 2 – *Health protection violation*

A person who deliberately or through gross negligence

- (1) in violation of the Health Protection Act or of a provision issued on its basis, neglects to give a statutory notice or violates a prohibition issued by an authority or an order given in general or in an individual case or
  - (2) in violation of the Contagious Diseases Act (583/1986) or of a provision issued on its basis neglects to comply with a provision or an order given in general or in an individual case in order to prevent the spread of a contagious disease that endangers the public,
- shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *health protection violation* to a fine or to imprisonment for at most three months.

### Section 3 – *Unlicensed practice of a health care profession*

- (1) A person who without lawful right acts as a professional referred to in the Health Care Professionals Act (559/1994), shall be sentenced for *unlicensed practice of a health care profession* to a fine or to imprisonment for at most six months.
- (2) A person who without a permit under the Medicine Act (395/1987) engages in the wholesale trade of medicines, operates an apothecary or without the license referred to in the Private Health Care Act (152/1990) maintains a unit that provides health care services shall also be sentenced for unlicensed practice of a health care profession.

### Section 4 – *Unlicensed practice of veterinary medicine*

A person who without lawful right practices veterinary medicine shall be sentenced for *unlicensed practice of veterinary medicine* to a fine or to imprisonment for at most three months.

### Section 5 – *Medicine offence*

- (1) A person who deliberately or through gross negligence in violation of the Medicine Act or a regulation issued on the basis of article 100a or 235 of the EEC Treaty pertaining to the supervision of medicine, or a provision or an order given in general or in an individual case on their basis
  - (1) produces, imports, stores, keeps for sale or gives medicines referred to in the Medicine Act,
  - (2) neglects to give a notice, neglects a duty to provide information or neglects a duty to maintain a register related to medicines referred to in the Medicine Act, or
  - (3) violates a prohibition on medicine issued by a Finnish supervisory authority or the Commission of the European Communities or the Council of the European Union and referred to in the Medicine Act,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *medicine offence* to a fine or to imprisonment for at most one year.
- (2) Unless a more severe penalty for the act has been provided elsewhere in the law, a person who deliberately or through gross negligence, in violation of the Veterinary Medicine Act (617/1997) or a provision enacted on its basis
  - (1) uses medicines, medical substances or other substances used in the treatment of animals or instruments used in veterinary medicine,
  - (2) violates an order, prohibition or seizure order issued by an authority,
  - (3) violates his/her duties regarding identification, branding or safety periods or
  - (4) neglects his/her duty to provide information

shall also be sentenced for a medicine offence.

### Section 6 – *Doping offence*

- (1) A person who unlawfully
  - (1) prepares or attempts to prepare a doping substance,
  - (2) imports or attempts to import a doping substance or
  - (3) sells, conveys, gives to another or otherwise disseminates or attempts to disseminate a doping substance,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *doping offence* to a fine or to imprisonment for at most two years.

- (2) A person who keeps in his/her possession a doping substance with the probable intent to disseminate it unlawfully shall also be sentenced for a doping offence.

#### Section 7 - *Aggravated doping offence*

If in the doping offence

- (1) the offence involves a considerably large amount of doping substances,
  - (2) considerable financial benefit is sought,
  - (3) the offender acts as a member of a criminal organisation that has been specifically organised for the extensive commission of such an offence or
  - (4) the doping substance is disseminated to a minor
- and the doping offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated doping offence* to imprisonment for at least four months and at most four years.

#### Section 8 - *Petty doping offence*

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

#### Section 9 - *Genetic technology offence*

A person who in violation of the Genetic Technology Act or a provision given on its basis or of an order or prohibition given in general or in an individual case deliberately or through gross negligence

- (1) produces, uses, imports, keeps for sale or places on the market organisms altered through genetic technology or products containing such organisms,
- (2) takes into use an institution or a part thereof that uses organisms altered through genetic technology,
- (3) neglects the duty of care, duty of awareness or duty to report new information, accidents and dangerous situations required of entrepreneurs in the field,
- (4) neglects a duty to record organisms altered through genetic technology, or
- (5) neglects a duty to report the taking into use of an institution or organisms altered through genetic technology, research and development experiments or their results or the placement of a product on the market

so that the act is conducive to endangering the life or health of another, shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *genetic technology offence* to a fine or to imprisonment for at most one year.

#### Section 10 - *Nuclear energy use offence*

- (1) A person who deliberately or negligently in violation of the Nuclear Energy Act or a provision or an order in general or in an individual case given on its basis,
  - (1) without authorisation uses nuclear energy or neglects to comply with the conditions of a permit issued for the use of nuclear energy,
  - (2) neglects to comply with provisions or an order given in general or in an individual case on safety in the use of nuclear energy, a duty of care pertaining to the disposal of nuclear wastes, safety or preparedness arrangements or rescue services arrangements that have not been assigned to the authorities,
  - (3) as a person with a waste disposal duty, neglects to fulfil his/her duty to prepare for the costs of nuclear waste disposal or starts up a nuclear plant before the competent authority has determined that said duty has been fulfilled, or neglects to report activity for which there is a duty to report,
  - (4) starts up a nuclear plant or, without beginning the construction of a nuclear plant otherwise begins to use nuclear energy before the competent authority has determined, when the activity so requires, that the safety

requirements have been fulfilled, the safety and preparedness arrangements are sufficient, the necessary supervision to prevent the dissemination of nuclear weapons have been arranged properly and the liability for damages arising from a nuclear accident that occurs in connection with the activity has been arranged as provided in law,

- (5) for a reason other than a compulsive reason for the ensuring of safety, prevents or impedes the operation of a device installed to supervise the use of nuclear energy, or
  - (6) neglects his/her duty to provide reports or other necessary information and notices in accordance with the prescribed forms or neglects to keep accounts on material or use in accordance with the prescribed forms,
- shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *nuclear energy use offence* to a fine or to imprisonment for at most one year.
- (2) A person who deliberately or negligently neglects his or her duty to take out insurance or provide financial surety under the Nuclear Liability Act (484/1972) shall also be sentenced for a nuclear energy use offence.

#### Section 11 – *Explosives offence*

A person who deliberately or through gross negligence in violation of the Explosive Substances Act (263/1953) or of a provision or an order in general or in an individual case given on its basis, produces, imports, uses, keeps in his/her possession, stores, keeps, transports, keeps for sale or gives a dangerous substance or product, shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for an *explosives offence* to a fine or to imprisonment for at most two years.

#### Section 12 – *Careless handling*

A person who deliberately or negligently in violation of the law or a provision or a order in general or in an individual case given on the basis of law or otherwise in a careless manner uses, handles or stores

- (1) a firearm, fire or an explosive substance or product,
- (2) a chemical or other corresponding substance that is dangerous to health or the environment or combustible and explosive, or
- (3) a radioactive substance or radiation device

so that the act is conducive to causing a danger to the life or health of another or so that it endangers the property of another, shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for *careless handling* to a fine or to imprisonment for at most six months.

#### Section 13 – *Transport of dangerous substances offence*

A person who deliberately or through gross negligence in violation of the Act on the Transporting of Dangerous Substances (719/1994) or a provision or an order in general or in an individual case given on its basis, sends, gives as freight, ships, transports, drives, loads, places on board, unloads, handles, keeps as baggage or temporarily stores a dangerous substance so that the action is conducive to endangering the life or health of another or it endangers the property of another, shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *transport of dangerous substances offence* to a fine or to imprisonment for at most two years.

#### Section 14 – *Danger marking violation*

- (1) A person who
  - (1) in carrying out construction work, earth moving work or waterway construction,
  - (2) in constructing a road, railway or water traffic passage or in his/her responsibility for the maintenance of a street or other passage for traffic, or
  - (3) when responsible for a well, pit or hole in the ice in a place used for general traffic,



deliberately or through gross negligence neglects property to mark a danger to life or health or otherwise to give a warning thereof, shall be sentenced for a *danger marking violation* to a fine or to imprisonment for at most three months.

- (2) A person who unlawfully, deliberately or through gross negligence, removes a marking referred to in subsection 1 of danger to life or health shall also be sentenced for a danger marking violation.

#### Section 15 – *Failure to guard an animal*

- (1) A person who deliberately or through gross negligence neglects to properly guard an animal for which he/she is responsible and that is dangerous to people, shall be sentenced for *failure to guard an animal* to a fine.
- (2) The court may order that the animal be slaughtered if this is justified due to the dangerousness of the animal.

#### Section 16 – *Definition*

- (1) For the purposes of this law a *doping substance* is defined as:
- (1) synthetic anabolic steroids and their derivatives;
  - (2) testosterone and its derivatives;
  - (3) growth hormones; and
  - (4) chemical substances that increase the production of testosterone, its derivatives or growth hormone in the human body.
- (2) Further provisions on what substances are deemed doping substances referred to in subsection 1 may be given by Government decree.

### Chapter 45 - **Military offences** (559/2000)

#### *Service offences*

##### Section 1 - *Service offence* (559/2000)

- (1) A soldier who breaches or fails to fulfil a duty that is part of his/her service, or fails to heed an order pertaining to the service or to military order, when issued by way of regulations or other means, shall be sentenced, unless the act is specifically punishable by virtue of chapter 40, section 1 - 3 or section 5 of this chapter, for a *service offence* to disciplinary punishment or to imprisonment for at most one year.
- (2) A sentence for a service offence shall be passed also on a soldier
- (1) who is on duty under the influence of alcohol or another intoxicant so that his/her ability to fulfil the duty is decreased, or
  - (2) who, in order to free himself/herself from service or obtain a leave or other relief from service, injures himself/herself, compromises his/her health or attempts to do so or with said intent presents false information.

##### Section 2 - *Aggravated service offence* (559/2000)

If, in the service offence,

- (1) considerable benefit is sought,
- (2) the intent is to cause considerable or particularly serious damage, or
- (3) the offence has been committed in the performance of a particularly responsible position,

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

##### Section 3 - *Petty service offence* (559/2000)

If the service offence, in view of the nature of the duty or other circumstances, is petty when assessed as a whole, the offender shall be sentenced for a *petty service offence* to disciplinary punishment.

Section 4 - *Negligent service offence* (559/2000)

If the service offence referred to in section 1(1) has been committed through negligence, the offender shall be sentenced for a *negligent service offence* to disciplinary punishment or to imprisonment for at most three months.

*Sentry offences*Section 5 - *Sentry offence* (559/2000)

- (1) A soldier on sentry duty or in the day detail who leaves his/her post or duties without permission, or a soldier who does not arrive on time in said duties or who otherwise neglects to fulfil or violates the orders given on sentry duty or duty for the day, shall be sentenced for a *sentry offence* to disciplinary punishment or to imprisonment for at most two years.

Section 6 - *Aggravated sentry offence* (559/2000)

If, in the sentry offence, considerable or particularly serious damage or the danger of such damage is caused and the sentry offence is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated sentry offence* to imprisonment for at least four months and at most four years.

Section 7 - *Petty sentry offence* (559/2000)

If the sentry offence, in view of the nature of the sentry duty or duty for the day or other circumstances, is petty when assessed as a whole, the offender shall be sentenced for a *petty sentry offence* to disciplinary punishment or to imprisonment for at most six months.

Section 8 - *Negligent sentry offence* (559/2000)

If the sentry offence has been committed through negligence, the offender shall be sentenced for a *negligent sentry offence* to disciplinary punishment or to imprisonment for at most three months.

*Absence offences*Section 9 - *Absence without leave* (559/2000)

A soldier who is absent without leave from the unit or place where he/she is to serve, or who fails to arrive at the assigned time, shall be sentenced for *absence without leave* to disciplinary punishment or to imprisonment for at most six months.

Section 10 - *Desertion* (559/2000)

A soldier who has been absent without leave, as referred to in section 10, for at least five days, so that the absence has caused or could have caused an essential interruption of the soldier's training or otherwise been of essential detriment to service, shall be sentenced for *desertion* to disciplinary punishment or to imprisonment for at most one year.

*Obedience offences*Section 11 - *Violent resistance to a superior officer* (559/2000)

A soldier who employs violence or the threat of violence in resisting the carrying out of an order given by a superior officer on duty or a soldier on duty as a sentry, in the day detail, on patrol or on police duty, or who in the said manner forces or attempts to force such a person to do something or refrain from doing something, or who otherwise employs violence against such a person while the latter is on duty or because of an act performed on duty, shall be sentenced for *violent resistance to a superior officer* to disciplinary punishment or to imprisonment for at most two years.

Section 12 - *Aggravated violent resistance to a superior officer* (559/2000)

If, in the violent resistance to a superior officer,

- (1) a firearm, edged weapon or other comparable lethal instrument is used, or
- (2) the offence is committed in complicity with another soldier,

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

Section 13 - *Obstructing a superior officer* (559/2000)

A soldier who, without employing violence or the threat of violence, unlawfully prevents or attempts to prevent a superior officer on duty or a soldier on duty as a sentry, in the day detail, on patrol or on police duty to carry out a service task or hinders the same, shall be sentenced for *obstructing a superior officer* to a disciplinary punishment or to imprisonment for at most three months.

Section 14 - *Insubordination* (559/2000)

- (1) A soldier on duty who refuses to obey an order given by a superior officer or a soldier on duty as a sentry, in the day detail, on patrol or on police duty, or who deliberately leaves said order unfulfilled or delays in fulfilling it, shall be sentenced for *insubordination* to disciplinary punishment or to imprisonment for at most one year.
- (2) No punishment may be imposed for disobeying an order if obeying said order would have resulted in an act that is clearly in violation of duty or service or otherwise clearly in violation of the law. (515/2003; enters into force on 1 January 2004)

Section 15 - *Joint insubordination* (559/2000)

If soldiers commit an offence referred to in section 14 upon mutual agreement, each offender shall be sentenced for *joint insubordination* to disciplinary punishment or to imprisonment for at most two years.

*Offences by a superior officer*

Section 16 - *Abuse of superior position* (559/2000)

- (1) A superior officer who
  - (1) through abuse of his/her authority causes a subordinate suffering or a health hazard that is unnecessary as regards duty, or treats a subordinate in a humiliating manner, or
  - (2) as a disciplinary superior imposes a disciplinary punishment or a disciplinary correction on a person whom he/she knows to be innocent
 shall be sentenced for *abuse of superior position* to disciplinary punishment or to imprisonment for at most two years.
- (2) A sentence for abuse of superior position shall be passed also on a superior officer who orders a subordinate to perform work which does not form part of duty or training.

Section 17 - *Aggravated abuse of superior position* (559/2000)

If, in the abuse of superior position, especially severe suffering or a serious health hazard is caused to the subordinate and the abuse of superior position is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated abuse of superior position* to imprisonment for at least four months and at most four years.

*Miscellaneous offences*

Section 18 - *Conduct unbecoming a soldier* (559/2000)

A soldier off duty who appears in a barracks area or another area used by the armed forces or the frontier guards, in a public place or at a public occasion while obviously intoxicated, or who by making noise or through other behaviour causes a disturbance or gives offence, shall be sentenced for *conduct unbecoming a soldier* to disciplinary punishment.

Section 19 - *Unlawful political activity* (559/2000)

A soldier or a person in military service in the frontier guards, as referred to in sections 27(1)(1) and 27(1)(3) of this chapter, who joins a political party or an association engaged in, or clearly supportive of, party politics, or fails to resign

the membership of a party or an association referred to above, shall be sentenced for *unlawful political activity* to disciplinary punishment.

### *Offences in wartime*

#### Section 20 - *Military offence in wartime* (559/2000)

- (1) If an offence referred to in section 1(1), 1(2)(1) or 9 is committed in wartime, the offender shall be sentenced to disciplinary punishment or to imprisonment for at most two years.
- (2) If an offence referred to in section 5, 10, 11, 14 or 15 is committed in wartime, the offender shall be sentenced to imprisonment for at most four years.
- (3) If an offence referred to in section 6 or 12 is committed in wartime, the offender shall be sentenced to imprisonment for at most six years.

#### Section 21 - *Violation of combat duty* (559/2000)

- (1) A soldier who
  - (1) by violating his/her particular combat duty,
  - (2) by failing to fulfil such duty, or
  - (3) in another comparable manner
 endangers the fulfilment of a combat task shall be sentenced, unless a more severe penalty for the act is provided elsewhere, for *violation of combat duty* to imprisonment for at most four years.
- (2) A sentence for violation of combat duty shall be passed also on a soldier who in wartime commits an offence referred to in section 1(2)(2) for purposes of avoiding duty or not participating in a particular combat task.

#### Section 22 - *Desertion* (559/2000)

- (1) A soldier who in wartime deserts to the enemy or without an unavoidable reason surrenders to the enemy shall be sentenced, unless he/she by the same act commits aggravated treason or an attempt thereof, for *desertion* to imprisonment for at least two years and at most ten years.
- (2) An attempt is punishable.

#### Section 23 - *Dangerous military offence* (559/2000)

- (1) If an offence referred to in section 20(2), 20(3) or 21 is conducive to causing especially grave danger to the unit or its operations or to endangering an especially important installation, the offender shall be sentenced for a *dangerous military offence* to imprisonment for at least one year and at most ten years.
- (2) An attempt is punishable.

#### Section 24 - *Conspiracy to commit a dangerous military offence* (559/2000)

If soldiers agree among themselves to commit a dangerous military offence referred to in section 23, each offender shall be sentenced for *conspiracy to commit a dangerous military offence*, the instigator and leader to imprisonment for at most four years and the co-conspirators to disciplinary punishment or to imprisonment for at most one year.

#### Section 25 - *Escape by a prisoner of war* (559/2000)

A prisoner of war who escapes or attempts to escape shall be sentenced for *escaping by a prisoner of war* to disciplinary punishment.

#### Section 26 - *Furthering an escape by a prisoner of war* (559/2000)

A prisoner of war who furthers the escape of another prisoner of war shall be sentenced for *furthering an escape by a prisoner of war* to disciplinary punishment.

### *Supplementary provisions*

#### Section 26a - *The use of forcible measures* (515/2003; enters into force on 1 January 2004)

- (1) A soldier who is on duty as a sentry, in the day detail or as military police and who meets with resistance has the right to use such forcible measures as can be deemed justified in view of the security of the military unit or the object being

guarded, the nature of the duty or service, and the dangerousness of the resistance. On the grounds mentioned above a sentry has the right to use forcible measures also if, despite his/her command to stop, someone approaches a guarded area 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 operations, and despite the prohibition of a superior officer, a subordinate deserts, violently resists his/her 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 has the right to use such forcible measures against the subordinate to restore obedience and discipline as can be deemed justified in order to prevent the act or to have the order obeyed, taking into account the dangerousness of the act of the subordinate, and the situation also otherwise.
- (3) Should a prisoner of war attempt to escape, the person who is assigned to prevent an escape has the right to use the forcible measures referred to in section 2(11)(b) of the Act on the Enforcement of Punishments (39/1889).
- (4) The provisions of chapter 4, sections 6(3) and 7 apply to excessive use of forcible measures.

Section 26b – *Order of a superior* (515/2003; enters into force on 1 January 2004)

- (1) A soldier shall be sentenced to punishment for an act that he/she has committed in accordance with the order of a superior officer only if
  - (1) he/she has understood that by obeying the order he/she would be breaking the law or his/her duty or service; or
  - (2) he/she should have understood the illegality of the order and the act it requires, taking into account the manifest nature of the illegality of the act ordered.
- (2) If, however, the act has occurred under circumstances in which the subordinate could not have been reasonably expected to disobey the order, the offender is exempt from punishment.

### *Scope of application*

Section 27 - *Soldiers* (559/2000)

- (1) For the purposes of this chapter, *soldier* is defined as follows:
  - (1) the regular personnel of the armed forces and the temporary personnel of the armed forces, the latter when appointed to military duties;
  - (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 (194/1995); and
  - (3) students being trained for regular service in the armed forces.
- (2) In addition, the provisions on soldiers apply, as specifically provided by law, also to the military personnel of the frontier guard service and the personnel performing service referred to in the Peacekeeping Act (514/1984). (1118/2000)

Section 28 - *Wartime* (559/2000)

- (1) For the purposes of this chapter, *wartime* is defined as the time when a state of defence, as referred to in the State of Defence Act (1083/1991), is in effect. The provisions of this chapter pertaining to wartime are applicable only in the territory where the state of defence is in effect, as provided in section 3 of the State of Defence Act.
- (2) 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 section 27;
  - (2) those serving in the armed forces on the basis of commitment or other than a occasional or short-term employment relationship, in forces or institutions organised on a military basis;

- (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 organised on a military basis and subjected to military command, when this ordering into service took place as decreed for a general labour duty.
- (3) Those serving in duties corresponding to those referred in paragraph (2) elsewhere than in the armed forces are also subject to the provisions of this chapter in wartime, as specifically provided by law.

Section 29 - *Restrictions on application* (559/2000)

- (1) Persons referred to above in section 27 or 28 are subject to military penal provisions during the period that the service or circumstances referred to in these provisions continues, as provided 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 provided by Decree that the military penal provisions or a part thereof, as stipulated in the Decree, are not applicable to him/her.
- (3) A prisoner of war is subject to the provisions of this chapter governing soldiers, taking into consideration the provisions in sections 25 and 26 and the stipulations in international agreements binding on Finland.
- (4) A prisoner of war who has succeeded in escaping to his/her own forces or to a neutral country, but who is then captured again, shall no longer be sentenced for an earlier offence referred to in section 25.
- (5) An offence which a prisoner of war has committed during his/her escape or attempted escape only in order to facilitate the escape and which does not involve personal violence is punishable only by disciplinary punishment.

Chapter 46 - **Regulation offences and smuggling** (769/1990)

Section 1 - *Regulation offence* (1522/1994)

- (1) A person who violates or attempts to violate a regulatory provision in
  - (1) the Act on the Fulfilment of Certain Obligations of Finland as a Member of the United Nations and the European Union; (706/1997)
  - (2) the Act on the Security of the Foreign Trade and Economic Growth of the Nation (157/1974);
  - (3) the Foreign Exchange Act (954/1985);
  - (4) *subparagraph has been implicitly repealed.*
  - (5) the Price Freeze Act (717/1988);
  - (6) the Emergency Powers Act (1080/1991);
  - (7) the Act on the Adoption and Application of the Agreement on the International Energy Programme (1682/1991);
  - (8) the Act on Foreign Trade Administration and the Supervision and Protection Measures Applicable in Certain Situations (1521/1994); (706/1997)
  - (9) an import or export Regulation of the European Union; (706/1997)
  - (10) the Act on the Export Control of Dual-use Goods (562/1996); or (706/1997)
  - (11) a Regulation, adopted on the basis of Article 60, 301 or 308 of the Treaty establishing the European Community, on the interruption or limitation of capital transfers, payments or other economic relations as regards the Common Foreign and Security Policy of the European Union, (365/2002)
 or a regulatory order issued on the basis of one of the above, shall be sentenced for a *regulation offence* to a fine or to imprisonment for at most two years.

Section 2 - *Aggravated regulation offence* (769/1990)

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.

Section 3 - *Petty regulation offence* (769/1990)

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.

Section 4 - *Smuggling* (769/1990)

- (1) A person who without the appropriate permission or otherwise in violation of import or export provisions or regulations 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) Also a person who deliberately or through gross negligence in violation of the Act on Veterinarian Inspections at the Border (1192/1996) or a provision or an order given in general or in an individual case on its basis imports or deliberately attempts to import or transport, handle or store animals or goods or neglects his or her duty to have animals or goods inspected shall be sentenced for smuggling. (400/2002)
- (3) However, the violation of a provision or regulation on import or export referred to in section 1 - 3 is not deemed smuggling.

Section 5 - *Petty smuggling* (769/1990)

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.

Section 6 - *Unlawful dealing in imported goods* (951/1999)

A person who hides, procures, takes into his/her possession or conveys property, the import of which has involved an offence referred to in section 1 - 5, or chapter 29, section 1 - 3, or in another manner handles such property, although he/she 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 one year and six months.

Section 6a - *Petty unlawful dealing in imported goods* (951/1999)

If the unlawful dealing in imported goods, in view of the value of the goods in question or the other circumstances of the offence, when assessed as a whole, is to be deemed petty, the offender shall be sentenced for *petty unlawful dealing in imported goods* to a fine.

Section 7 - *Restrictive provision* (769/1990)

- (1) The minor neglect of a duty to report something or to provide information and another minor violation of a procedural provision is not deemed an offence referred to in section 1 - 5 of this chapter.
- (2) A person who is accessory to an offence committed in the import of goods shall not be convicted for an offence referred to in sections 6 and 6a of this chapter. (951/1999)
- (3) Sections 6 and 6a of this chapter do 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.

*Sections 8 - 13 have been repealed.*

Section 14 - *Corporate criminal liability* (743/1995)

The provisions on corporate criminal liability apply to regulation offences, aggravated regulation offences and smuggling.

Chapter 47 - **Employment offences** (578/1995)

Section 1 - *Work safety offence* (578/1995)

- (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 makes possible the continuation of a situation contrary to work safety regulations by failing to monitor compliance with them in work that he/she 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 chapter 21, section 8 - 11 and section 13 apply to the punishment of negligent homicide, negligent bodily injury and imperilment. (1010/1995)
- (3) However, an individual incident of a violation of work safety regulations which is insignificant in view of work safety and which is punishable under section 63 of the Work Safety Act (738/2002) or section 23 of the Act on Occupational Health Care (1383/2001) is not deemed a work safety offence. (739/2002)

Section 2 - *Working hours offence* (578/1995)

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.

Section 3 - *Work discrimination* (578/1995)

An employer, or a representative thereof, who when advertising for a vacancy or selecting an employee, or during employment without an important and justifiable reason puts a job seeker or an employee in an inferior position

- (1) because of race, national or ethnic origin, colour, language, sex, 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.

Section 4 - *Violation of the rights of an employee representative* (72/2001)

An employer, or a representative thereof, who without a reason based on law or a collective employment or civil service agreement dismisses, otherwise severs or puts on compulsory unpaid leave an employee representative, a trustee referred to in chapter 13, section 3 of the Employment Contracts Act (55/2001), a work safety trustee or a personnel representative referred to in the Act on Personnel Representation in Company Administration (725/1990) or the Act on Cooperation in Companies (725/1978), or puts him/her 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.



Section 5 - *Violation of the right to organise* (578/1995)

- (1) An employer, a representative thereof or an employee who prevents
- (1) an employee from establishing a lawful industrial or political association or using his/her right to join or belong to it or to participate in its activities;
  - (2) the employees or their industrial organisations from appointing or electing an employee representative, trustee, work safety trustee or personnel representative in group co-operation
- shall be sentenced for *violation of the right to organise* to a fine. (72/2001)
- (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 is punishable.

Section 6 - *Employment agency offence* (578/1995)

- (1) A person who charges a fee from individual customers for employment agency services aiming directly at employment, 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.

Section 6a - *Work permit offence* (563/1998)

- (1) An employer of a representative thereof who hires or employs a foreigner not in possession with the requisite work permit shall be sentenced for a *work permit offence* to a fine or to imprisonment for at most one year.
- (2) A sentence for a work permit offence shall also be passed on a principal or a representative thereof who fails to make sure that the foreigners working for the foreign contractor, subcontractor or workforce rental agency hired by it have the requisite work permit.

Section 7 - *Allocation of liability* (578/1995)

A person whose responsibility the commission or omission is shall be sentenced for the conduct of an employee or a representative thereof, where 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/her duties and competence and also otherwise his/her participation in the arising and continuation of the situation that is contrary to law.

Section 8 - *Definitions* (578/1995)

- (1) For the purposes of this chapter
- (1) *employer* is defined as one that in an employment relationship, a public 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) *representative of an employer* is defined as a member of a statutory or other decision-making body of a legal person and one who on the behalf of the employer directs or supervises the work;
  - (3) *employee* is defined as one who is in an employment relationship, a public service relationship or a comparable service relationship in a public corporation with the employer; and
  - (4) *work safety regulations* are defined as the provisions contained in, or issued on the basis of, the Work Safety Act, the Occupational Health Act or another act governing work safety, and pertaining to work safety or occupational health, to protect the health of others. (739/2002)
- (2) The provisions in sections 1 and 7 on the liability of the employer and his/her representative apply correspondingly to other persons commissioning work and their representatives as referred to in sections 3 and 4 and to the persons and their representatives referred to in section 7 of the same Act. (739/2002)

Section 9 - *Corporate criminal liability* (61/2003)

The provisions on corporate criminal liability apply to work safety offences.

## Chapter 48 - **Environmental offences** (578/1995)

### Section 1 - *Impairment of the environment* (578/1995)

- (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 general or a specific order, or without a permit required by law or in defiance of permit conditions,
  - (2) produces, conveys, transports, uses, handles or stores a substance, products or goods, or operates a device, in defiance of a provision based on the Environmental Protection Act (86/2000), in defiance of Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer, or in defiance of a provision referred to in section 60(1) of the Waste Act (1072/1993) or a provision or a specific order or prohibition based on the Waste Act, or neglects his/her duty to organise waste management, as provided for in the Waste Act, or
  - (3) imports or exports waste or transports waste through the territory of Finland in defiance of the Waste Act or a provision or specific order based on the Waste Act or in the manner referred to in Article 26(1) of the Waste Shipments Regulation, as referred to in section 45(1) of the Waste Act, or imports or exports a substance, products or goods in defiance of a Decree based on the Environmental Protection Act or in defiance of the Regulation on substances depleting the ozone layer referred to in subparagraph (2),
- 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. (587/2001)
- (2) The attempt of a deliberate offence referred to in paragraph (1)(3) above is punishable.
- (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 paragraph (1), undertakes to alter the environment in defiance of the provisions of the Land Use and Building Act (132/1999), the Water Act (264/1961) or the Land Extraction Act (555/1981), or of the Drainage Rules of the Saimaa/Vuoksi Water System, or of provisions or general or specific orders based on the same, or of a plan or a permit, so that the act is conducive to causing an alteration comparably serious as the spoiling of the environment. (154/1999)

### Section 2 - *Aggravated impairment of the environment* (578/1995)

- (1) If, in the impairment of the environment,
- (1) the damage or danger of damage caused to the environment or health is especially serious, 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 because of conduct referred to in section 1
- and the offence is aggravated also when assessed as a whole, 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 section 1 applies correspondingly.

### Section 3 - *Environmental infraction* (578/1995)

- (1) If the impairment of the environment, with regard to the insignificance of the danger or damage caused to the environment or health, or the other circumstances of the offence, is minor when assessed as a whole, the offender shall be sentenced for an *environmental infraction* to a fine or to imprisonment for at most six months.

- (2) A sentence for an environmental infraction shall likewise be passed on a person who, deliberately or through gross negligence, defies orders based on section 64 of the Environmental Protection Act. (112/2000)
- (3) A sentence for an environmental infraction shall likewise be passed on a person who neglects the duty to apply for an environmental permit, as referred to in sections 28 and 29 of the Environmental Protection Act, unless the act is punishable as impairment of the environment. (112/2000)
- (4) A sentence for an environmental infraction shall likewise be passed on a person who deliberately or through gross negligence violates section 5 of the Waterway Traffic Act or the prohibitions and restrictions issued on the basis of section 15 or 16 of the Waterway Traffic Act, so that the act is conducive to causing danger to the environment. (545/1999)

Section 4 - *Negligent impairment of the environment* (112/2000)

A person who, through negligence not to be deemed gross,

- (1) affects the environment in a manner referred to in section 1(1)(1) or 1(3), or
- (2) defies the Waste Act or the Environmental Protection Act or the provisions or orders based thereon in a manner referred to in section 1(1)(2) or 1(1)(3) so that the damage or danger of damage caused to the environment or health is especially serious, 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.

Section 5 - *Nature conservation offence* (578/1995)

- (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 (1096/1996) or protected, restricted or set under an injunction based thereon, or (1108/1996)
  - (2) in defiance of the Nature Conservation Act or a provision or order based thereon, removes from its environment, imports or exports an object or transports an object through the territory of Finland, or sells, 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 provided in section 2 or 2a of the Whale and Arctic Seal Protection Act or the protection provision or acquisition ban in section 3 of the same Act. (1108/1996)
- (3) A sentence for a nature conservation offence shall likewise be passed on a person who, deliberately or through gross negligence, causes damage to organisms native to Antarctica, by violating a prohibition referred to in section 4(2) of the Act on the Conservation of Antarctic Nature (28/1998) or by acting without a permit or contrary to the conditions in a permit required in the Act, in a manner referred to in section 21(1), 23(1) or 25(1) of the Act. (29/1998)
- (4) However, an act of minor significance with regard to nature conservation is not deemed a nature conservation offence.
- (5) The attempt of a deliberate offence is punishable.

Section 6 - *Building protection offence* (578/1995)

- (1) A person who, deliberately or through gross negligence, demolishes, destroys, impairs or covers an object of a built environment, which
  - (1) has been protected by the Land Use and Building Act or an order based thereon, or (154/1999)
  - (2) has been protected or set under an injunction on the basis of the Act on the Protection of Buildings (60/1985),

shall be sentenced for a *building protection offence* to a fine or to imprisonment for at most two 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 an immovable relic or wreck or a part thereof, as referred to in the Act on Archaeological Remains (295/1963), without a permit or in defiance of permit conditions.
- (3) A sentence for a building protection offence shall likewise be passed on a person who, deliberately or through gross negligence, damages, moves or destroys a historical object or relic referred to in section 4(1)(4) of the Act on the Protection of Antarctic Nature (28/1998). (29/1998)
- (4) The attempt of a deliberate offence is punishable.

#### Section 7 - *Liability* (578/1995)

A sentence for conduct penalised in this chapter shall be passed on the person of whose duties the act or omission is to be deemed a breach. In assessing the same, due regard shall be given to the status of the person concerned, to the nature and extent of his/her assignment and competence, and also to his/her participation in the creation or sustenance of an unlawful state of affairs.

#### Section 8 - *Statute of limitations* (578/1995)

The minimum statute of limitations for an environmental offence other than environmental infraction is ten years.

#### Section 9 - *Corporate criminal liability* (578/1995)

The provisions on corporate criminal liability apply to the offences referred to in this chapter.

### **Chapter 48 a – Natural resources offences** (515/2002)

#### Section 1 – *Hunting offence*

A person who deliberately or through gross negligence unlawfully

- (1) hunts using a trap or trapping method that is prohibited by the Hunting Act (615/1993) or that is in violation of the restriction provided in the Hunting Act on the use of a motor vehicle,
- (2) hunts in violation of Hunting Act or a provision or an order given on its basis protecting game, prohibiting or limiting hunting or establishing a limit, or without a hunting permit, or
- (3) when hunting, endangers or harms a person or the property of another or violates a hunting prohibition or restriction that has been issued for general safety,

shall be sentenced for a *hunting offence* to a fine or to imprisonment for at most two years.

#### Section 2 – *Fishing offence*

(1) A person who deliberately or through gross negligence

- (1) when fishing uses explosives or pressure that has otherwise been caused or a firearm or electrical current,
- (2) fishes to a considerable extent in violation of the Fishing Act or a provision or an order given in general or in an individual case on its basis regarding the protection or fish or crayfish, fishing tackle, fishing, a prohibition of or restriction on fishing, or the minimum size of fish or crayfish,
- (3) fishes with fishing tackle or with a method fishing or during a season when no fishing is allowed in violation of a regulation on common fishing policy issued by the European Community on the basis of article 37 of the Treaty on the EEC or in decisions or orders issued on their basis, or
- (4) unjustifiably in violation of the Fishing Act introduces or transfers to a water area a species of fish or crayfish or their stock that have not previously been found there, so that the act is conducive to endangering or harming the stock of fish or the piscary,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a *fishing offence* to a fine or to imprisonment for at most two years.

- (2) An attempt at a deliberate offence is punishable.

### Section 3 – *Forestry offence*

- (1) A person who deliberately or through gross negligence
- (1) fells a forest in violation of a provision or order on improvement cutting or regeneration cutting, issued on the basis of section 5(2) or 5(4) of the Forest Act (1093/1996), or
  - (2) violates provisions of the Forest Act or a provision or order issued on its basis pertaining to protected forest areas or protected areas,
- shall be sentenced for a *forestry offence* to a fine or to imprisonment for at most two years.
- (2) A person who deliberately, through a silvicultural or forest use measure, in violation of the Forest Act or a provision or order issued on its basis or without the permit required by law or in violation of the terms of a permit, harms a living environment that is in its natural state or similar to its natural state that is clearly distinguishable from its surrounding area and that is particularly important from the point of view of the biodiversity of the natural forest, so that the act is conducive to endangering the preservation of the typical features of said living environment, shall also be sentenced for a forestry offence.

### Section 4 – *Concealing pouched game*

- (1) A person who hides, obtains, transports, conveys or markets game that has been obtained through a hunting offence or fishing offence, even though he/she knows that it had been obtained in this manner, shall be sentenced for *concealing pouched game* to a fine or to imprisonment for at most six months.
- (2) A person who is an accomplice in the offence through which the pouched game was obtained shall not be sentenced for the offence referred to above in subsection 1. Section 1(1) also does not apply to a person who lives in a joint household with the offender and who only uses or consumes game that the offender had obtained for the ordinary needs of the joint household.

### Section 5 - *Right to bring a charge*

- (1) If the fishing offence, hunting offence or concealing of pouched game violates the rights only of a private individual, the public prosecutor shall not bring charges unless the injured party has reported the offence for the bringing of charges.
- (2) The provisions in chapter 1 on the bringing of charges and conviction for an offence committed outside Finland and directed at Finland apply also to a fishing offence referred to in section 2 when it has been committed outside the territorial waters of Finland.

### Section 6 – *Hunting prohibition*

- (1) A person convicted of a hunting offence, who through his/her actions has demonstrated manifest heedlessness of the provisions on hunting, may be prohibited from hunting for at least one and at most five years. At the same time he/she shall be ordered to surrender his/her hunting card to the game management association.
- (2) While prohibited from hunting, a person may not hunt or serve as the hunting manager referred to in section 28 of the Hunting Act. Also a person who in accordance with chapter 3, section 3 of this law is not punished may be prohibited from hunting. (NB.: by Act 515/2003, this subsection is to be replaced by the following as of 1 January 2004)
- (2) While prohibited from hunting, a person may not hunt or serve as the hunting manager referred to in section 28 of the Hunting Act. Also a person who in accordance with chapter 3, section 4(2) of this law is not punished may be prohibited from hunting. (515/2003; enters into force on 1 January 2004)
- (3) The prohibition is in force regardless of an appeal until the matter has been decided in a legally final manner.

## Chapter 49 - **Violation of certain incorporeal rights** (578/1995)

### Section 1 - *Copyright offence* (1010/1995)

- (1) A person who for profit and in violation of the Copyright Act (404/1961) and in a manner conducive to causing considerable inconvenience or damage to the person holding a right, 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 a database whose compilation, verification or presentation has required a lot of effort; or (251/1998)
  - (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/she for profit and in a manner conducive to causing considerable inconvenience or damage to the person holding a right, 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, or a database whose compilation, verification or presentation has required a lot of effort, as referred to in paragraph (1), while knowing that it has been produced or copied in circumstances under which said production or copying would in Finland be punishable under paragraph (1) or section 56a of the Copyright Act. (251/1998)

### Section 2 - *Intellectual property offence* (578/1995)

A person who in violation of the Trademark Act (7/1964), the Patents Act (550/1967), the Registered Designs Act (221/1971), the Act on the Protection of Semiconductor Topographies (32/1991), the Utility Models Act (800/1991) or the Plant Variety Rights Act (789/1992) and in a manner conducive to causing considerable financial loss to a person holding a right, 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.

### Section 3 - *Right to bring charges* (578/1995)

The public prosecutor shall not bring charges for offences referred to in this chapter, unless the injured party reports it for the bringing of charges or unless a very important public interest requires that charges be brought.

## Chapter 50 - **Narcotics offences** (1304/1993)

### Section 1 - *Narcotics offence* (1304/1993)

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, (654/2001)
- shall be sentenced for a *narcotics offence* to a fine or to imprisonment for at most two years.

Section 2 - *Aggravated narcotics offence* (1304/1993)

If in the narcotics offence

- (1) the object of the offence is a very 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 is aggravated also when assessed as a whole, the offender shall be sentenced for an *aggravated narcotics offence* to imprisonment for at least one and at most ten years.

Section 2a - *Unlawful use of narcotics* (654/2001)

A person who unlawfully uses or for personal use possesses or attempts to obtain a small amount of a narcotic substance shall be sentenced for *unlawful use of narcotics* to a fine or to imprisonment for at most six months.

Section 3 - *Preparation of a narcotics offence* (1304/1993)

A person who, in order to commit an offence referred to in section 1(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.

Section 4 - *Abetting a narcotics offence* (1304/1993)

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 subparagraph (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 *abetting a narcotics offence* to a fine or to imprisonment for at most two years.

Section 5 - *Definitions* (1304/1993)

- (1) For the purposes of this chapter, *narcotic substance* is defined as a narcotic substance as referred to in the Narcotic Substances Act (1289/1993).
- (2) For the purposes of this chapter, *very dangerous narcotic substance* is defined as a narcotic substance, when its use may cause death by overdose, serious damage to health even when short-term, or heavy withdrawal symptoms.

Section 6 - *Forfeiture* (875/2001)

- (1) The following shall be ordered forfeit to the State:

- (1) the instruments, supplies or substances used in the commission of an offence referred to in this chapter or obtained for that purpose, and
- (2) the assets referred to in section 4(2), even if the act is punishable as a narcotics offence or an aggravated narcotics offence; the forfeiture shall be ordered on the provider of the finance, the recipient of the finance or jointly and severally on both of them.

(2) In other respects, the provisions in chapter 10 apply.

Section 7 - *Waiver of measures* (654/2001)

In addition to the provisions in the Criminal Procedure Act (689/2001) and the provisions elsewhere in this Code, the prosecution of, or judgment for, the use of narcotic substances or another offence pertaining to the use of narcotic substances may be waived, if the offence, when assessed as a whole, is to be deemed of minor significance in view of the amount and type of the substance, the situation where it is used and the other circumstances. Prosecution and judgment may be waived also if the offender has sought treatment approved by the Ministry of Health and Welfare.

Chapter 51 - **Security markets offences** (475/1999)

Section 1 - *Abuse of insider information* (1526/2001)

(1) A person who in order to obtain financial benefit for himself/herself or someone else, deliberately or through gross negligence, takes advantage of insider information relating to a listed security or to a security that is subjected to other trading practices used by a community organised professionally in order to bring together buyers and sellers of securities

- (1) by conveying or obtaining such a security in his/her own behalf or on behalf of someone else, or
- (2) by providing direct or indirect advice to someone else trading in such a security,

shall be sentenced for *abuse of insider information* to a fine or to imprisonment for at most two years.

Section 2 - *Aggravated abuse of insider information* (475/1999)

(1) If, in the abuse of insider information,

- (1) particularly great profit or considerable personal benefit is sought,
- (2) the offender commits the offence by abusing his/her particularly responsible position as an employee or representative of a securities registry, settlement organisation, broker, exchange, option corporation, the issuer of the security or a corporation belonging to the same group, or on commission by one of the above, or
- (3) the offence is committed in a particularly methodical manner,

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

(2) An attempt is punishable.

Section 3 - *Market price distortion* (1526/2001)

A person who

- (1) makes a misleading sell or buy offer on, or a fictitious trade in, a listed security or a security that is subjected to other trading practices used by a community organised professionally in order to bring together buyers and sellers of securities, or gives a commission for such an offer or trade, or undertakes another comparable misleading measure, or, or
- (2) provides false or misleading information pertaining to such a security, with the objective of distorting the price of a listed security or a security that is subjected to other trading practices used by a community organised professionally in order to bring together buyers and sellers of securities, thereby obtaining financial benefit for himself/herself or someone else,

shall be sentenced for *market price distortion* to a fine or to imprisonment for at most two years.

Section 4 - *Aggravated market price distortion* (475/1999)

If in the market price distortion

- (1) extensive economic loss is caused, or



- (2) the offence is conducive to essentially weakening the credibility of the functioning of the security markets,  
and the market price distortion is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated market price distortion* to imprisonment for at least four months and at most four years.

Section 5 - *Security markets information offence* (475/1999)

A person who deliberately or through gross negligence

- (1) in the professional marketing or buying of securities provides false or misleading information pertaining to a security, or
- (2) fails to provide appropriate information pertaining to a security, as required by the Securities Markets Act (495/1989), which is conducive to essentially affecting the value of the said security, or when fulfilling the duty of information provided in the Securities Markets Act provides false or misleading information pertaining to the security,

shall be sentenced for a *security market information offence* to a fine or to imprisonment for at most two years.

Section 6 – *Definitions* (1526/2001)

- (1) For the purposes of this chapter *securities* is defined as securities that are subject to the Securities Act.
- (2) For the purposes of this chapter, *insider information* is defined as information pertaining to a listed security or to a security that is subjected to other trading practices used by a community organised professionally in order to bring together buyers and sellers of securities, said information not having been made public or otherwise available to the market and that is conducive to essentially affecting the value or price of the said security. Information that has been compiled for private purposes by combining publicly available information is not deemed insider information.
- (3) The provisions in this chapter on securities apply also to options and futures subject to the Act on Trade in Standardised Options and Futures (772/1988) and to other derivatives, referred to in chapter 10, section 1 a of the Securities Market Act, comparable to standardised options or futures and having as the underlying asset a listed security or a security that is subjected to other trading practices used by a community organised professionally in order to bring together buyers and sellers of securities. The provisions in this chapter on conveyance or acquisition of securities apply also to the conclusion of a standardised derivative contract or a derivatives contract comparable to standardised options or futures and having as the underlying asset a listed security or a security that is subjected to other trading practices used by a community organised professionally in order to bring together buyers and sellers of securities. Sections 1 and 2 of this chapter apply to standardised options or futures and to derivatives comparable to standardised options or futures and having as the underlying asset a listed security or a security that is subjected to other trading practices used by a community organised professionally in order to bring together buyers and sellers of securities, regardless of whether the contract calls for the conveyance of the underlying assets or for a settlement in lieu of the conveyance.

Section 7 – *Restrictive provision* (1526/2001)

The provisions of sections 1 and 2 of this chapter do not apply to trade in listed securities that under rules laid down by virtue of chapter 3, section 13(2) of the Securities Markets Act or under section 14(2) of the same chapter are not subject to the provisions of the Securities Markets Act on the abuse of insider information.