

CRIMINAL CODE OF UKRAINE

(This Code enters into force on September 1, 2001

See. paragraph 1 of Chapter I "FINAL AND TRANSITIONAL PROVISIONS")

(Vidomosti of the Verkhovna Rada of Ukraine (VRU), 2001, No 25-26, page 131)

(As amended by Laws

- No 2953-III (2953-14) of 17.01.2002, VVR, 2002, No 17, p.121
- No 3075-III (3075-14) of 07.03.2002, VVR, 2002, No 30, p.206
- No 430-IV (430-15) of 16.01.2003, VVR, 2003, No 14, p.95
 - enters into force 11.06.2003
- No 485-IV (485-15) of 06.02.2003, VVR, 2003, No 14, p.104
 - enters into force 11.06.2003 roky
- No 662-IV (662-15) of 03.04.2003, VVR, 2003, No 27, p.209
 - enters into force 01.08.2003 roky
- No 668-IV (668-15) of 03.04.2003, VVR, 2003, No 26, p.198
- No 669-IV (669-15) of 03.04.2003, VVR, 2003, No 26, p.199
- No 744-IV (744-15) of 15.05.2003, VVR, 2003, No 29, p.234
- No 850-IV (850-15) of 22.05.2003, VVR, 2003, No 35, p.271
- No 908-IV (908-15) of 05.06.2003, VVR, 2003, No 38, p.320
- No 1098-IV (1098-15) of 10.07.2003, VVR, 2004, No 7, p.46
- No 1130-IV (1130-15) of 11.07.2003, VVR, 2004, No 8, p.66
- No 1626-IV (1626-15) of 18.03.2004, VVR, 2004, No 26, p.361
- No 1723-IV (1723-15) of 18.05.2004, VVR, 2004, No 36, p.430)

(For provisions recognized as unconstitutional See.

the Constitutional Court's Decision No 15-pn/2004 (v015p710-04) of 02.11.2004)

(As amended by Laws

- No 2252-IV (2252-15) of 16.12.2004, VVR, 2005, No 5, p.119
- No 2276-IV (2276-15) of 21.12.2004, VVR, 2005, No 6, p.134
- No 2289-IV (2289-15) of 23.12.2004, VVR, 2005, No 6, p.139
- No 2308-IV (2308-15) of 11.01.2005, VVR, 2005, No 6, p.145
- No 2322-IV (2322-15) of 12.01.2005, VVR, 2005, No 10, p.187
- No 2456-IV (2456-15) of 03.03.2005, VVR, 2005, No 16, p.260
- No 2598-IV (2598-15) of 31.05.2005, VVR, 2005, No 27, p.359
- No 2734-IV (2734-15) of 06.07.2005, VVR, 2005, No 33, p.432
- No 2903-IV (2903-15) of 22.09.2005, VVR, 2006, No 1, p.4
- No 2984-IV (2984-15) of 18.10.2005, VVR, 2006, No 2-3, p.37
- No 3108-IV (3108-15) of 17.11.2005, VVR, 2006, No 1, p.18
- No 3169-IV (3169-15) of 01.12.2005, VVR, 2006, No 12, p.105
- No 3316-IV (3316-15) of 12.01.2006, VVR, 2006, No 17, p.147
- No 3423-IV (3423-15) of 09.02.2006, VVR, 2006, No 26, p.211
- No 3480-IV (3480-15) of 23.02.2006, VVR, 2006, No 31, p.268
- No 3504-IV (3504-15) of 23.02.2006, VVR, 2006, No 33, p.280
- No 170-V (170-16) of 21.09.2006, VVR, 2006, No 45, p.443
- No 527-V (527-16) of 22.12.2006, VVR, 2007, No 11, p.96
- No 534-V (534-16) of 22.12.2006, VVR, 2007, No 10, p.91
- No 578-V (578-16) of 11.01.2007, VVR, 2007, No 13, p.131
- No 698-V (698-16) of 22.02.2007, VVR, 2007, No 20, p.282
- No 875-V (875-16) of 05.04.2007, VVR, 2007, No 29, p.388
- No 966-V (966-16) of 19.04.2007, VVR, 2007, No 32, p.412
- No 1071-V (1071-16) of 24.05.2007, VVR, 2007, No 34, p.447

No 1111-V (1111-16) of 31.05.2007, VVR, 2007, No 44, p.512
No 270-VI (270-17) of 15.04.2008, VVR, 2008, No 24, p.236
No 586-VI (586-17) of 24.09.2008, VVR, 2009, No 10-11, p.137
No 600-VI (600-17) of 25.09.2008, VVR, 2009, No 13, p.154
No 616-VI (616-17) of 01.10.2008, VVR, 2009, No 14, p.167
No 801-VI (801-17) of 25.12.2008, VVR, 2009, No 23, p.278
No 890-VI (890-17) of 15.01.2009, VVR, 2009, No 25, p.311 -

the Law has been recognized unconstitutional by the Constitutional Court's Decision No 20-
пн/2009 (v020p710-09) of 10.09.2009

No 894-VI (894-17) of 15.01.2009, VVR, 2009, No 26, p.317
No 1027-VI (1027-17) of 19.02.2009, VVR, 2009, No 28, p.368
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No 1520-VI (1520-17) of 11.06.2009, VVR, 2009, No 49, p.732
No 1616-VI (1616-17) of 21.08.2009, VVR, 2009, No 50, p.754
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GENERAL PART

Chapter I. GENERAL PROVISIONS

Article 1. Objectives of the Criminal Code of Ukraine

1. The objective of the Criminal Code of Ukraine is to provide legal protection of the rights and liberties of the human being and citizen, property, public order and public safety, the environment, and the constitutional order of Ukraine against criminal encroachments, to secure peace and safety of mankind, and also to prevent crime.

2. To this aim, the Criminal Code defines which socially dangerous acts or omissions count as offenses, and which punishments are to be imposed upon persons who commit them.

Article 2. Grounds for criminal liability

1. Commission by a person of a socially dangerous act that has such elements of crime as created by this Code gives grounds for criminal liability.
2. A person is deemed innocent of a crime and may not be criminally punished until his/her guilt is legally proven and found by a lawful sentence.
3. No person may be prosecuted more than once for one and the same offense.

Chapter II. LAW ON CRIMINAL LIABILITY

Article 3. Ukrainian legislation on criminal liability

1. The Criminal Code of Ukraine, based on the Constitution of Ukraine (254к/96-BP) and generally recognized principles and rules of international law, shall be the Ukrainian legislation on criminal liability.
2. The Ukrainian laws on criminal liability, adopted after the entry of this Code into force, shall be incorporated in this Code following its entry into force.
3. The criminality of any act as well as its punishability and other criminal consequences shall be determined exclusively by this Code.
4. Application of the law on criminal liability by analogy shall be prohibited.
5. The laws of Ukraine on criminal liability shall be consistent with provisions of existing international treaties, consent for the binding effect of which has been granted by the Verkhovna Rada of Ukraine.

Article 4. Operation of the law on criminal liability in time

1. The law on criminal liability shall enter into force ten days after its official promulgation, unless otherwise is provided in the law itself, but not prior to the day of its publication.
2. The criminality and punishability of an act shall be determined by such law on criminal liability as was in effect at the time of commission of the act.
3. The time of commission of a criminal offense shall be the time in which a person committed an act or omission stipulated by the law on criminal liability.
(Article 4 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 5. Retroactive effect of the law on criminal liability in time

1. The law on criminal liability, which repeals the criminality of an act or lenifies criminal liability, shall be retroactive in time, that is it shall apply to persons who had committed relevant acts before that law entered into force, including the persons serving their sentence or those who have completed their sentence but have a conviction.
2. The law on criminal liability that criminalizes an act or increases criminal liability shall not be retroactive in time.
3. The law on criminal liability, which partially lenifies and partially increases criminal liability, shall be retroactive in time only in the part which lenifies the liability.
4. In the event that the law on criminal liability has been amended several times since a person committed an act by stipulated by this Code, the law that abolishes criminality of an

act or lenifies criminal liability shall be deemed as retroactive.
(Article 5 in version of Law No 270-VI (270-17) of 15.04.2008)

Article 6. The operation of the law on criminal liability in regard to offences committed on the territory of Ukraine

1. Any person who has committed an offense on the territory of Ukraine shall be criminally liable under this Code.
2. An offense shall be deemed to have been committed on the territory of Ukraine if it has been initiated, continued, completed or discontinued on the territory of Ukraine.
3. An offense shall be deemed to have been committed on the territory of Ukraine if the principal to such offense, or at least one of the accomplices, has acted on the territory of Ukraine.
4. Where a diplomatic agent of a foreign state or another citizen who, under the laws of Ukraine or international treaties the consent to the binding effect of which has been granted by the Verkhovna Rada of Ukraine, is not criminally cognizable by a Ukrainian court commits an offense on the territory of Ukraine, the issue of his criminal liability shall be settled diplomatically.

Article 7. The operation of the law on criminal liability in regard to offenses committed by citizens of Ukraine or stateless persons outside Ukraine

1. Citizens of Ukraine and stateless persons permanently residing in Ukraine, who have committed offenses outside Ukraine, shall be criminally liable under this Code, unless otherwise provided by the international treaties of Ukraine, the consent to the binding effect of which has been granted by the Verkhovna Rada of Ukraine.
2. Where the persons referred to in the first paragraph of this Article underwent criminal punishment for the committed criminal offenses outside Ukraine, they shall not be criminally liable for these criminal offenses in Ukraine.

Article 8. The operation of the law on criminal liability in regard to offenses committed by foreign nationals or stateless persons outside Ukraine

Foreign nationals or stateless persons not residing permanently in Ukraine, who have committed criminal offenses outside Ukraine, shall be criminally liable in Ukraine under this Code in such cases as provided for by the international treaties, or if they have committed any of the special grave offenses against rights and freedoms of Ukrainian citizens or Ukraine as prescribed by this Code.

(Article 8 as amended by Law No 3316-IV (3316-15) of 12.01.2006)

Article 9. Legal consequences of conviction outside Ukraine

1. A judgment passed by a foreign court may be taken into account where a citizen of Ukraine, a foreign national, or a stateless person have been convicted of a criminal offense committed outside Ukraine and have committed another criminal offense on the territory of Ukraine.
2. Pursuant to the first paragraph of this Article, the repetition of criminal offenses, or a sentence not served, or any other legal consequences of a judgment passed by a foreign court shall be taken into account in the classification of any new criminal offense,

determination of punishment, in the discharge from criminal liability or punishment.

Article 10. Extradition of a person accused of a criminal offense and a person convicted of a criminal offense

1. Citizens of Ukraine and stateless persons permanently residing in Ukraine, who have committed criminal offenses outside Ukraine, shall not be extradited to a foreign state for criminal prosecution and committal for trial.

2. Foreign nationals, who have committed criminal offenses on the territory of Ukraine and were convicted of these offenses under this Code, may be transferred to serve their sentences for the committed offenses in the state, whose nationals they are, where such transfer is provided for by the international treaties of Ukraine.

3. Foreign nationals or stateless persons not residing permanently in Ukraine, who have committed crimes outside Ukraine and stay on the territory of Ukraine, may be extradited to a foreign state for criminal prosecution and committal for trial, or transferred to serve their sentence, where such extradition or transfer is provided for by the international treaties of Ukraine.

Chapter III. CRIMINAL OFFENSE, ITS TYPES AND STAGES

Article 11. Notion of a criminal offense

1. A criminal offense shall mean a socially dangerous culpable act (action or omission) prescribed by this Code and committed by an offender.

2. Although an act or omission may have, technically, any elements of an act under this Code, it is not an offense if, due to its insignificance, it is not a social danger, i.e. it neither did nor could cause considerable harm to any natural or legal person, community, society or the state.

Article 12. Classification of criminal offenses

1. Depending on the gravity, criminal offenses shall be classified as minor offenses, medium grave offenses, grave offenses, or special grave offenses.

2. A minor criminal offense shall mean an offense punishable by imprisonment for a term up to two years or a more lenient penalty.

3. A medium grave offense shall mean an offense punishable by imprisonment for a term up to five years.

4. A grave criminal offense shall mean an offense punishable by imprisonment for a term up to ten years.

5. A special grave offense shall mean an offense punishable by more than ten years of imprisonment or a life sentence.

Article 13. Consummated and unconsummated criminal offenses

1. A consummated criminal offense shall mean an offense which comprises all elements of a criminal offense as prescribed by the relevant article of the Special Part of this Code.

2. An unconsummated criminal offense shall mean the preparation for crime and criminal

attempt.

Article 14. Preparation for crime

1. The preparation for crime shall mean the looking out or adapting means and tools, or looking for accomplices to, or conspiring for, an offense, removing of obstacles to an offense, or otherwise intended conditioning of an offense.
2. Preparation to commit a minor criminal offense does not give rise to criminal liability.

Article 15. Criminal attempt

1. A criminal attempt shall mean a directly intended act (action or omission) made by a person and aimed directly at the commission of a criminal offense prescribed by the relevant article of the Special Part of this Code, where this criminal offense has not been consummated for reasons beyond that person's control.
2. A criminal attempt shall be consummated where a person has completed all such actions as he/she deemed necessary for the consummation of an offense, however, the offense was not completed for the reasons beyond that person's control.
3. A criminal attempt shall be unconsummated where a person has not completed all such actions as he/she deemed necessary for the consummation of an offense for the reasons beyond that person's control.

Article 16. Criminal liability for an unconsummated criminal offense

The criminal liability for the preparation for crime and a criminal attempt shall rise under Article 14 or 15 and that article of the Special Part of this Code which prescribes liability for the consummated crime.

Article 17. Voluntary renunciation in an unconsummated criminal offense

1. The voluntary renunciation shall mean the final discontinuation of the preparation for crime or a criminal attempt by a person of his/her own will, where that person have realized that the criminal offense may be consummated.
2. A person who voluntarily renounced to consummate a criminal offense shall be criminally liable only if the actual act committed by that person comprised elements of any other offense.

Chapter IV.
CRIMINALLY LIABLE PERSON (CRIMINAL OFFENDER)

Article 18. Criminal offender

1. A criminal offender shall mean a sane person who has committed a criminal offense at the age when criminal liability may rise under this Code.
2. A special criminal offender shall mean a sane person who has committed a criminal offense at the age when criminal liability may rise, if that offense may only be committed by a certain person.

Article 19. Criminal sanity

1. A person who was aware of and could control his/her actions (omissions) at the time of

an offense shall be recognized sane.

2. A person who, at the time of a socially dangerous act, as prescribed by this Code, was in the state of insanity, i.e. was not aware of or could not control his/her actions (omissions) in consequence of a chronic mental disease, or a temporary mental disorder, or feeble-mindedness, or any other morbid mental condition, shall not be criminally liable. Such person may be subjected to compulsory medical measures upon the decision of a court.

3. A person who committed a criminal offense in the state of sanity, but lapsed, prior to the making of a judgment, into a mental disease which renders that person unaware of or unable to control his/her actions (omissions), shall not be criminally liable. Such person may be subjected to compulsory medical measures, and may be criminally liable upon recovery.

Article 20. Partial insanity

1. A person found partially insane by a court, i.e. a person who, at the time of the criminal offense, was not completely aware of and could not fully control his/her acts (omissions) because of his/her mental disorder, shall be criminally liable.

2. The partial insanity shall be consulted by the court in the infliction of punishment and may warrant compulsory medical measures.

Article 21. Criminal liability for offenses committed in a state of intoxication resulting from the use of alcohol, narcotics, or any other intoxicating substances

A person who committed a criminal offense in a state of intoxication resulting from the use of alcohol, narcotic, or any other intoxicating substances shall be criminally liable.

Article 22. Age of criminal liability

1. Persons who have reached the age of 16 years before the commission of a criminal offense shall be criminally liable.

2. Persons who have committed criminal offenses at the age of 14 to 16 years shall be criminally liable only for a intended murder (Articles 115-117), attempted killing of a statesperson or public figure, a law enforcement officer, a member of a civilian peace-keeping or border-guard unit, or a serviceman, judge, assessor or juror, in connection with their activity related to the administration of justice, a defense attorney or agent of any person in connection with their activity related to legal assistance, or a foreign representative (Articles 112, 348, 379, 400 and 443), intended grievous bodily injury (Article 121, paragraph 3 of Articles 345, 346, 350, 377 and 398), intended bodily injury of medium gravity (Article 122, paragraph 2 of Articles 345, 346, 350, 377 and 398), sabotage (Article 113), gansterism (Article 257), act of terrorism (Article 258), hostage taking (Articles 147 and 349), rape (Article 152), violent unnatural satisfaction of sexual desire (Article 153), theft (sections 185, paragraph 1 of Articles 262 and 308), robbery (Articles 186, 262 and 308), brigandage (Article 187, paragraph 3 of Articles 262 and 308), extortion (Article 189, 262 and 308), willful destruction or endamage of property (paragraph 2 of Articles 194, 347, 352 and 378, paragraphs 2 and 3 of Article 399), endamage of communication routes and means of transportation (Article 277), theft or seizure of railroad rolling stock, air-, sea- or river-craft (Article 278), misappropriation of transportation (paragraph 2 and 3 of Article 289), and hooliganism (Article 296).

Chapter V. GUILT AND ITS FORMS

Article 23. Guilt

Guilt shall mean a mental stance of a person in regard to the performed act or omission under this Code and to the consequences thereof, as expressed in the form of intent or recklessness.

Article 24. Intent and its forms

1. An intent may be direct or indirect.
2. The intent is direct where a person was conscious of the socially injurious nature of his/her act (action or omission), anticipated its socially injurious consequences, and wished them.
3. The intent is indirect where a person was conscious of the socially injurious nature of his/her act (action or omission), foresaw its socially injurious consequences, and anticipated, though did not wish them.

Article 25. Recklessness and its types

1. Recklessness subdivides into criminal presumption and criminal negligence.
2. Recklessness is held to be criminal presumption where a person anticipated that his/her act (action or omission) may have socially injurious consequences but carelessly expected to avoid them.
3. Recklessness is held to be criminal negligence where a person did not anticipate that his/her act (action or omission) may have socially injurious consequences, although ought to and could anticipate them.

**Chapter VI.
COMPLICITY****Article 26. The notion of complicity**

Criminal complicity is the willful co-participation of several criminal offenders in an intended criminal offense.

Article 27. Types of accomplices

1. Organizer, abettor and accessory, together with the principal offender, are deemed to be accomplices in a criminal offense.
2. The principal (or co-principal) is the person who, in association with other criminal offenders, has committed a criminal offense under this Code, directly or through other persons, who cannot be criminally liable, in accordance with the law, for what they have committed.
3. The organizer is a person who has organized a criminal offense (or criminal offenses) or supervised its (their) preparation or commission. The organizer is also a person who has created an organized group or criminal organization, or supervised it, or financed it, or organized the covering up of the criminal activity of an organized group or criminal organization.
4. The abettor is a person who has induced any other accomplice to a criminal offense, by

way of persuasion, subornation, threat, coercion or otherwise.

5. The accessory is a person who has facilitated the commission of a criminal offense by other accomplices, by way of advice, or instructions, or by supplying the means or tools, or removing obstacles, and also a person who promised in advance to conceal a criminal offender, tools or means, traces of crime or criminally obtained things, to buy or sell such things, or otherwise facilitate the covering up of a criminal offense.

6. The concealment of a criminal offender, tools or means of a criminal offense, traces of crime or criminally obtained things, or buying or selling such things shall not constitute complicity where they have not been promised in advance. Persons who have committed such acts shall be criminally liable only in cases prescribed by Articles 198 and 396 of this Code.

7. A promised failure to report a crime which is definitely known to be in preparation or in progress, prior to the consummation of such, shall not constitute complicity. Any such person shall be criminally liable only if the act so committed comprises the elements of any other criminal offense.

Article 28. Criminal offense committed by a group of persons, or a group of persons upon prior conspiracy, or an organized group, or a criminal organization

1. A criminal offense shall be held to have been committed by a group of persons where several (two or more) principal offenders participated in that criminal offense, acting without prior conspiracy.

2. A criminal offense shall be held to have been committed by a group of persons upon prior conspiracy where it was jointly committed by several (two or more) persons who have conspired in advance, that is prior to the commencement of the offense, to commit it together.

3. A criminal offense shall be held to have been committed by an organized group where several persons (three or more) participated in its preparation or commission, who have previously established a stable association for the purpose of committing of this and other offense (or offenses), and have been consolidated by a common plan with assigned roles designed to achieve this plan known to all members of the group.

4. A criminal offense shall be held to have been committed by a criminal organization where it was committed by a stable hierarchical association of several persons (five and more), members or structural units of which have organized themselves, upon prior conspiracy, to jointly act for the purpose of directly committing of grave or special grave criminal offenses by the members of this organization, or supervising or coordinating criminal activity of other persons, or supporting the activity of this criminal organization and other criminal groups. (Article 28 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 29. Criminal liability of accomplices

1. The principal (or co-principals) shall be criminally liable under that article of the Special Part of this Code which creates the offense he has committed.

2. The organizer, abettor and accessory shall be criminally liable under the respective paragraph of Article 27 and that article (or paragraph of the article) of the Special Part of this Code which creates an offense committed by the principal.

3. The features of character of a specific accomplice shall be criminated only upon such

accomplice. Other circumstances that aggravate responsibility and are provided for by articles of the Special Part of this Code as the elements of a crime that affect the treatment of the principal's actions, shall be criminated only upon the accomplice who was conscious of such circumstances.

4. Where the principal commits an unconsummated criminal offense, other accomplices shall be criminally liable for complicity in an unconsummated crime.

5. Accessories shall not be criminally liable for the act committed by the principal, where that act was no part of their intent.

Article 30. Criminal liability of organizers and members of an organized group or criminal organization

1. An organizer of an organized group or criminal organization shall be criminally liable for all the criminal offenses committed by the organized group or criminal organization, if those offenses were part of his intent.

2. Other members of an organized group or criminal organization shall be criminally liable for the criminal offenses prepared or committed with their participation, regardless of the role each of them had in such offenses.

Article 31. Voluntary renunciation of accomplices

1. In the event of a principal's (or co-principals') voluntary renunciation to commit a criminal offense, he (or they) shall not be criminally liable where the conditions prescribed by Article 17 of this Code are satisfied. In this event other accomplices shall be criminally liable for the preparation of the criminal offense or the attempted offense which was voluntarily renounced by the principal.

2. An organizer, abettor or accessory shall not be criminally liable in event of their voluntary renunciation, where they averted the offense or timely reported the preparation or commission of the offense to appropriate public authorities. The accessory's failure to supply the means and tools or remove obstacles for the offense shall also be regarded as his voluntary renunciation.

3. In the event of a voluntary renunciation of any accomplice, the principal shall be criminally liable for the preparation of the criminal offense or for the attempted offense depending on the stage at which his act was precluded.

Chapter VII.

REPETITION, CUMULATION OF CRIMINAL OFFENSES AND RECIDIVISM

Article 32. Repetition of criminal offenses

1. Repetition of criminal offenses is the commission of two or more offenses, prescribed by the same article or the same paragraph of an article of the Special Part of this Code.

2. Repetition prescribed by paragraph 1 of this Article shall not be present in commission of a continuing offense comprised of two or more similar acts connected by one criminal intent.

3. Committing two or more criminal offenses created by different articles of this Code shall be recognized as repetition only in cases prescribed in the Special Part of this Code.

4. There shall be no repetition if a person was discharged from criminal liability for the

previously committed criminal offense on grounds provided for in the law or where the criminal record for that criminal offense was canceled or revoked.

Article 33. Cumulation of criminal offenses

1. The cumulation of criminal offenses shall mean the commission, by one person, of two or more offenses created by different articles or different paragraphs of the one article of the Special Part of this Code, where that person has not been convicted of any of these offenses. The offenses with regard to which the person was discharged from criminal liability on grounds prescribed by the law shall not be taken into account.

2. In case of cumulation of criminal offenses, each of them shall be classified under appropriate article or paragraph of an article of the Special Part of this Code.

Article 34. Recidivism

Recidivism shall mean the commission of a new intended criminal offense by a person who has a criminal record for another offense.

Article 35. Legal consequences of repetition, cumulation and recidivism

Repetition, cumulation or recidivism shall be taken into account in the classification of criminal offenses and infliction of punishment, and also in contemplating discharging from criminal liability and punishment in cases provided in this Code.

Chapter VIII.
CIRCUMSTANCES EXCLUDING CRIMINALITY OF AN ACT

Article 36. Necessary defense

1. The necessary defense shall mean actions taken to defend the legally protected rights and interests of the defending person or another person, and also public interests and interests of the state, against a socially dangerous trespass, by inflicting such harm upon the trespasser as is necessary and sufficient in a given situation to immediately avert or stop the trespass, provided the limits of the necessary defense are not exceeded.

2. Every person shall have the right to necessary defense notwithstanding any possibility to avoid a socially dangerous trespass or request assistance of other persons or authorities.

3. The excess of necessary defense shall mean an intended causing of a grievous harm to the trespasser, which is not adequate to the danger of the trespass or circumstances of the defense. The excess of necessary defense shall entail criminal liability only in cases specifically prescribed in Articles 118 and 124 of this Code.

4. A person shall not be subject to criminal liability where that person was not able, due to high excitement, to evaluate if the harm caused by that person was proportionate to the danger of the trespass or circumstances of defense.

5. The use of weapons or other means or things for protection against an attack of an armed person or an attack of a group of persons, and also to avert an unlawful violent intrusion upon a dwelling place or other premises, shall not be treated as the excess of necessary defense and shall not entail criminal liability irrespective of the gravity of harm caused to the trespasser.

Article 37. Misread defense

1. The misread defense shall mean actions resulting in a harm caused in the absence of any real socially dangerous trespass where the person, who misinterpreted actions of the victim's, only mistakenly presumed the reality of such trespass.
2. The misread defense shall exclude any criminal liability for the harm caused only if the circumstances involved furnished reasonable grounds for the person to believe that there was a real trespass and that person was not and could not be aware that his/her presumption was mistaken.
3. Where a person was not and could not be aware that his/her presumption was mistaken, but acted in excess of defense justifiable under the circumstances of a real trespass, that person shall be criminally liable for the excess of necessary defense.
4. Where a person, under the circumstances, was not aware of, but ought to realize the absence of a real socially dangerous trespass, that person shall be criminally liable for the harm caused by recklessness.

Article 38. Apprehension of an offender

1. Any actions of the victim or other persons immediately following a trespass and aimed at the apprehending of the offender and bringing him or her to appropriate public authorities and were not in excess of what was necessary for such apprehension, are not deemed to be criminal.
2. Any willful infliction, upon an offender, of grievous harm clearly disproportionate to the danger of the trespass or circumstances involved in the apprehension of the offender, is held to be in excess of measures necessary for the apprehension. The excess of measures necessary for the apprehension of an offender shall entail criminal liability only in cases specifically provided for in Articles 118 and 124 of this Code.

Article 39. Extreme necessity

1. Infliction of harm to legally protected interests in circumstances of extreme necessity, that is to prevent an imminent danger to a person or legally protected rights of that person or other persons, and also public interests or interests of the state, shall not be a criminal offense, where the danger could not be prevented by other means and where the limits of extreme necessity were not exceeded.
2. Any willful infliction of harm upon any legally protected interests, where such harm is larger than the harm thus prevented, is held to be in excess of extreme necessity.
3. A person shall not be criminally liable for exceeding the limits of extreme necessity where that person could not, as a result of high excitement raised by the danger, evaluate if the harm caused was proportionate to such danger.

Article 40. Physical or mental coercion

1. A person's action or omission that caused harm to legally protected interests, is not to be held a criminal offense, where that person acted under direct physical coercion which rendered him or her unable to be in control of his/her actions.
2. The decision on a person's criminal liability for causing harm to legally protected interests, shall be made pursuant to provisions of Article 39 of this Code, where that person was subject to physical coercion, under which he/she was able to control his/her actions,

and also subject to mental coercion.

Article 41. Obeying an order or command

1. A person's action or omission that caused harm to legally protected interests, shall be lawful, where that person acted to obey a legal order or instructions.
2. An order or command is held to be lawful where it is duly issued by an appropriate person acting within his/her commission and, in its substance, is not contrary to applicable laws and does not breach the constitutional rights and freedoms of the human being and citizen.
3. A person shall not be criminally liable for disobeying a patently criminal order or command.
4. A person, who obeyed a patently criminal order or command, shall be criminally liable on general grounds for the acts committed in pursuance of such order or command.
5. Where a person was not and could not be aware of the criminal nature of an order or command, the criminal liability for the act committed in pursuance of such order or command shall arise only with respect to the person who gave the criminal order or command.

Article 42. An act involving risk

1. No act (action or omission) in prejudice of legally protected interests shall be held to be a criminal offense where it was committed in circumstances of justified risk to achieve a significant purpose valuable to the community.
2. A risk shall be justified if the goal pursued could not, under the circumstances, be achieved otherwise than by an action (omission) involving risk and the person that allowed the risk reasonably believed that he/she exercised enough caution to avert harm to the legally protected interests.
3. A risk shall not be justified if it knowingly endangered lives of other people, or created a threat of environmental disaster or any other emergency.

Article 43. Undertaking a special mission to prevent or uncover criminal activities of an organized group or criminal organization

1. A compelled causing of harm to legally protected interests by a person shall not be a criminal offense, where such person was undertaking a special mission, pursuant to law, by way of participation in an organized group or criminal organization for the purpose of preventing or uncovering its criminal activities.
2. Any such person as described in the first paragraph of this article shall be criminally liable only for committing, as part of an organized group or criminal organization, a special grave criminal offense which was willful and involved violence with respect to the victim, or a grievous crime, which was willful and involved grievous bodily injury to the victim or other serious or particularly serious consequences.
3. A person who has committed such criminal offense may not be sentenced to life and may not be imprisoned for a longer term than half of the maximum term of imprisonment prescribed by the law in respect of this crime.

Chapter IX.

DISCHARGE FROM CRIMINAL LIABILITY

Article 44. Legal grounds and procedure for discharge from criminal liability

1. A person, who committed a criminal offense, shall be discharged from criminal liability in cases prescribed by this Code, and also on the grounds of the Law of Ukraine of amnesty or an act of pardon.
2. The discharge from criminal liability in cases prescribed by this Code shall be exercised exclusively by court. The procedure of discharge from criminal liability in shall be established by law.

Article 45. Discharge from criminal liability in view of effective repentance

A person who has committed a minor criminal offense or medium grave reckless offense for the first time shall be discharged from criminal liability if, upon committing that offense, he/she sincerely repented, actively facilitates the detection of the offense, and fully compensates the losses or repairs the damage inflicted.

(Article 45 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 46. Discharge from criminal liability in view of reconciliation of the offender and the victim

A person who has committed a minor criminal offense or medium grave reckless offense for the first time shall be exempt from criminal liability if he/she reconciled with the victim and compensated the losses or repaired the damage inflicted.

(Article 46 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 47. Discharge from criminal liability in view of admission by bail

1. A person, who has committed a minor criminal offense or an offense of medium gravity for the first time and sincerely repented, may be discharged from criminal liability for admission by bail on request of the collective body of an enterprise, institution or organization on condition that such person, within one year of his/her admission by bail, will not fail the trust of the collective body, avoid measures of correctional nature or break public peace.
2. If conditions of the admission by bail are not satisfied, the person shall be subject to criminal liability for the offense committed.

Article 48. Discharge from criminal liability due to a change of situation

A person who has committed a minor criminal offense or an offense of medium gravity for the first time may be discharged from criminal liability if it is found that at the time of investigation or trial, due to a change of situation, the act committed by that person has lost its socially dangerous nature or that person has ceased to be dangerous to the public.

Article 49. Discharge from criminal liability due to limitation period

1. A person shall be discharged from criminal liability if the following periods have elapsed from the date of the criminal offense to the effective date of the judgment:
 - 1) two years where a minor offense has been committed and the prescribed punishment is less severe than the restraint of liberty;
 - 2) three years where a minor offense has been committed and the prescribed punishment is

the restraint of liberty or imprisonment;

3) five years where an offense of medium gravity has been committed;

4) ten years where a grave offense has been committed;

5) fifteen years where a special grave offense has been committed.

2. The statute of limitations shall be saved where a person who committed a criminal offense evaded investigation or trial. In such cases the running of the statute of limitations is resumed as of the date of the person's surrender or apprehension. In this case the person shall be discharged from liability if fifteen years elapsed after the commission of the offense.

3. The statute of limitation shall be forfeited where a person, before the terms specified in paragraphs 1 and 2 of this Article have expired, commits another medium grave, grave or special grave offense. In this case a limitation period starts on the date on which such new crime is committed. Each offense gives rise to its own period of limitation.

4. Where a person has committed a special grave offense punishable by life imprisonment, the issue of limitation shall be decided by a court. Where a court rules out the possibility to apply a period of limitation, a sentence of life may not be imposed and is commuted to an imprisonment for a determinate term.

5. The statute of limitation shall not apply where any crime against the peace and humanity, as provided for in Articles 437 through 439, and paragraph 1 of Article 442 of this Code.

Chapter X. PUNISHMENT AND ITS TYPES

Article 50. The definition of punishment and its purpose

1. The punishment is a coercive measure imposed in a judgment of court on behalf of the State upon a person found guilty of a criminal offense and consists in restraint of the sentenced person's rights and freedoms secured by law.

2. The punishment is aimed not only at penalizing but also reformation of sentenced persons and prevention of further offenses by both the sentenced and other persons.

3. The punishment is not meant to cause physical sufferings or humiliate human dignity.

Article 51. Types of punishment

1. The following types of punishment may be imposed by a court on persons convicted of criminal offenses:

1) fine;

2) revocation of a military or special title, rank, grade or qualification class;

3) deprivation of the right to occupy certain positions or engage in certain activities;

4) community service;

5) correctional labor;

- 6) service restrictions for military servants;
- 7) forfeiture of property;
- 8) arrest;
- 9) restraint of liberty;
- 10) custody of military servants in a penal battalion;
- 11) imprisonment for a determinate term;
- 12) life imprisonment.

Article 52. Primary and additional punishments

1. Primary punishments are community service, correctional labor, service restrictions for military servants, arrest, restraint of liberty, custody of military servants in a penal battalion, imprisonment for a determinate term, and life imprisonment.
2. Additional punishments are revocation of a military or special title, rank, grade or qualification class, and forfeiture of property.
3. Fine, revocation of the right to occupy certain positions or engage in certain activities may be imposed as either primary or additional punishments.
4. Only one primary punishment, as defined in a sanction of an article in the Special Part of this Code, may be imposed for one criminal offense. The primary punishment may be accompanied by one or several additional punishments in cases and manner prescribed by this Code.
5. Evading the punishment imposed in a judgment of court entails liability pursuant to Articles 389 and 390 of this Code.
(Article 52 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 53. Fine

1. The fine is a pecuniary penalty imposed by a court in cases and within limits provided for in the Special Part of this Code.
2. The amount of a fine shall be determined by a court depending on the gravity of the offense committed and the property status of the guilty person but within the limits of thirty to one thousand tax-free minimum individual incomes, unless a larger amount of a fine is prescribed by articles of the Special Part of this Code.
3. A fine shall be imposed as an additional punishment only if it is specifically sanctioned by an article (specifically sanctioned by a part of an article) in the Special Part of this Code.
4. Taking into account the property status of the guilty person a court may impose a fine to be paid in installments within the period of up to three years.
5. Where a fine cannot be paid, a court may replace the outstanding amount of a fine by community service calculated as ten hours of community service for each tax-free minimum individual income established by law, or by correctional labor calculated as one month of correctional labor for four tax-free minimum incomes established by law, but for a period not exceeding two years.

(Article 53 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 54. Revocation of a military or special title, rank, grade or qualification class

A person, who has a military or special title, rank, grade or qualification class and was convicted of a grave or special grave offense, may be subject to revocation of his/her military or special title, rank, grade or qualification class by a judgment of court.

Article 55. Deprivation of the right to occupy certain positions or engage in certain activities

1. Deprivation of the right to occupy certain positions or engage in certain activities may be imposed as primary punishment for a term of two to five years or as additional punishment for a term of one to three years.

2. Deprivation of the right to occupy certain positions or engage in certain activities as additional punishment may also be imposed without reference to a sanction of an article (a sanction of a paragraph of an article) in the Special Part of this Code, if a court, having regard to the nature of the offense committed by a person in office or in connection with a certain activity, the character of the person convicted, and other circumstances of the case, decides that such person should be deprived of the right to occupy certain positions or engage in certain activities.

3. Where deprivation of the right to occupy certain positions or engage in certain activities is imposed as additional punishment together with the arrest, restraint of liberty, custody of military servants in a penal battalion, or imprisonment for a determinate term, it shall extend through all the term of the primary punishment, and also for a term specified in a judgment of court that came into effect. For this purpose, the term of additional punishment is calculated from the moment of completion of the primary punishment; and - for the purpose of punishment imposed in the form of deprivation of the right to occupy certain positions or engage in certain activities as additional to other primary punishments, and also for the purpose of Article 77 of this Code - is calculated from the moment that the judgment comes into effect.

(Article 55 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 56. Community service

1. Community service consists in performance, by a convicted person during hours free from work or studies, of unpaid work valuable to the community, as determined by the local government authorities.

2. The term of community service imposed may be from 60 to 240 hours and its duration in any single day may not be longer than 4 hours.

4. Community service may not be imposed upon persons who have been certified to have a first or a second degree disability, pregnant women, persons of retirement age, and military servants in active service.

Article 57. Correctional labor

1. The punishment of correctional labor shall be imposed for a term of six months to two years and is to be served by the convicted person at the place of his/her employment. A certain amount of money shall be deducted from the convicted person's salary in favor of the State, ranging from 10 to 20 percent as determined in the judgment of court.

2. Correctional labor shall not be imposed upon pregnant women, women on maternity leave, disabled persons, persons under 16 years of age, persons of retirement age, military servants, enlisted staff of the State Service for Special Communication and Information Protection of Ukraine, law enforcement officers, notaries, judges, prosecutors, defense attorneys, civil servants, and local government officials.

3. A court may substitute correctional labor by a fine calculated as three tax-free minimum incomes, established by the law, for one month of correctional labor, for those persons who became disabled after their sentence was awarded by a court.
(Article 57 as amended by Law No 1180-VI (1180-17) of 19.03.2009)

Article 58. Service restrictions for military servants

1. The punishment of service restriction shall be imposed on convicted military servants, other than those in active service, for a term of six months to two years in cases provided for in this Code, and also if a court, having regard to the circumstances of the case and the character of the person convicted, finds it possible to substitute the restriction of liberty or imprisonment for a term not exceeding two years by a service restriction for the same term.

2. A certain amount of money shall be deducted from the military pay of the person sentenced to a service restriction in favor of the State, ranging from 10 to 20 percent as determined in the judgment of court. While serving this sentence, the person sentenced may not be promoted in office or military rank, and the term of sentence is not to be included in the time-in-service for the purposes of regular promotion in military rank.

Article 59. Forfeiture of property

1. The punishment of forfeiture consists in forceful seizure of all, or a part of, property of a convicted person without compensation in favor of the State. Where a part of property is to be forfeited, a court shall specify which part is to be forfeited or name the things to be forfeited.

2. Forfeiture of property shall be imposed for grave and special grave offenses with mercenary motives and shall only be applied in cases specifically provided for in the Special Part of this Code.

3. The list of property exempt from forfeiture shall be determined by the law of Ukraine.

Article 60. Arrest

1. The punishment of arrest consists in holding a convicted person in custody and shall be imposed for a term of one to six months.

2. A military servant shall be put under arrest in a guardhouse.

3. Arrest shall not be imposed on persons under 16 years of age, pregnant women and women having children under 8 years of age.

Article 61. Restraint of liberty

1. The punishment of restraint of liberty consists in holding a person in an open penitentiary institution without isolation from the society but under supervision and with compulsory engagement of the convicted person in work.

2. Restraint of liberty shall be imposed for a term of one to five years.

3. Restraint of liberty shall not be imposed on minors, pregnant women and women having children under 14 years of age, persons of retirement age, military servants in active service, and persons with the first or second degree disability.

Article 62. Custody of military servants in a penal battalion

1. The punishment of custody in a penal battalion shall be imposed on military servants in active service for a term of six months to two years in cases provided for in this Code, and also where a court, having regard to the circumstances of the crime and the character of the convicted person, finds it possible to substitute an imprisonment for a term not exceeding two years by a custody in a penal battalion for the same term.

2. Custody of military servants in a penal battalion shall not be applied to substitute imprisonment for the persons who previously served a sentence of imprisonment.

Article 63. Imprisonment for a determinate term

1. The punishment of imprisonment consists in confinement of a convicted person and placing him or her in a penitentiary institution for a determinate period of time.

2. Imprisonment shall be imposed for a term of one to fifteen years, except for the cases envisaged by the Special Part of this Code.

(Article 63 as amended by Laws No 270-VI (270-17) of 15.04.2008, No 1254-VI (1254-17) of 14.04.2009)

Article 64. Life imprisonment

1. The punishment of life imprisonment is imposed for special grave offenses and shall apply only in cases specifically provided for by this Code, where a court does not find it possible to impose imprisonment for a determinate term.

2. Life imprisonment shall not be imposed on persons who committed offenses under 18 years of age and to persons over 65 years of age, and women who were pregnant at the time of offense or at the time of sentencing.

**Chapter XI.
IMPOSITION OF PUNISHMENT**

Article 65. General principles of imposition of punishment

1. A court shall impose a punishment:

1) within the limits prescribed by a sanction of that article of the Special Part of this Code, which creates liability for the committed criminal offense;

2) pursuant to provisions of the General Part of this Code;

3) having regard to the degree of gravity of the committed offense, character of the guilty person, method and motives of the committed offense, nature and extend of damages, and circumstances mitigating or aggravating the punishment.

2. The punishment imposed on an offender should be adequate and sufficient to reform the offender and prevent new offenses. A heavier punishment out of those prescribed for the committed offense shall be imposed only in the event that a milder punishment is deemed to be not sufficient to reform the offender and prevent new offenses.

3. The grounds for imposing a punishment milder than the one prescribed for a committed offense in a relevant article of the Special Part of this Code, are specified in Article 69 of this Code.

4. A punishment heavier than one prescribed for a committed offense in a relevant article of the Special Part of this Code may be imposed pursuant to Articles 70 and 71 of this Code in case of cumulative offenses and cumulative sentencing.

(Article 65 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 66. Circumstances mitigating punishment

1. For the purposes of imposing a punishment, the following circumstances shall be deemed to be mitigating:

- 1) surrender, sincere repentance or actively assistance in detecting the offense;
- 2) voluntary compensation of losses or repairing of damages;
- 2-1) providing medical aid of other aid to the injured person after committing the offense;
- 3) the commission of an offense by a minor;
- 4) the commission of an offense by a pregnant woman;
- 5) the commission of an offense in consequence of a concurrence of adverse personal, family or other circumstances;
- 6) the commission of an offense under influence of threats, coercion or financial, official or other dependence;
- 7) the commission of an offense under influence of strong excitement raised by improper or immoral actions of the victim;
- 8) the commission of an offense in excess of necessary defense;
- 9) undertaking a special mission to prevent or uncover criminal activities of an organized group or criminal organization, where this has involved committing an offense in any such case as provided for by this Code;

2. When imposing a punishment, a court may find circumstances, other than those specified in paragraph 1 of this Article, to be mitigating.

3. If any of the mitigating circumstances is specified in an article of the Special Part of this Code as an element of an offense, that affects its treatment, a court shall not take it into consideration again as a mitigating circumstance when imposing a punishment.

(Article 55 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 67. Circumstances aggravating punishment

1. For the purposes of imposing a punishment, the following circumstances shall be deemed to be aggravating:

- 1) repetition of an offense or recidivism;
- 2) the commission of an offense by a group of persons upon prior conspiracy (paragraph 2 or

3 of Article 28);

- 3) the commission of an offense based on racial, national or religious enmity and hostility;
- 4) the commission of an offense in connection with the discharge of official or public duty by the victim;
- 5) grave consequences caused by the offense;
- 6) the commission of an offense against a minor, an elderly or helpless person;
- 7) the commission of an offense against a woman who, to the knowledge of the culprit, was pregnant;
- 8) the commission of an offense against a person who was in a financial, official or other dependence on the culprit;
- 9) the commission of an offense through the use of a minor, a person of unsound mind or mentally defective person;
- 10) the commission of an especially violent offense;
- 11) the commission of an offense by taking advantage of a martial law or a state of emergency or other extraordinary events;
- 12) the commission of an offense by a generally dangerous method;
- 13) the commission of an offense by a person in a state of intoxication resulting from the use of alcohol, narcotic, or any other intoxicating substances;

2. Depending on the nature of an offense committed, a court may find any of the circumstances specified in paragraph 1 of this Article, other than those defined in subparagraphs 2, 6, 7, 9, 10, and 12, not to be aggravating, and should provide the reasons for this decision in its judgment.

3. When imposing a punishment, a court may not find any circumstances, other than those defined in paragraph 1 of this Article, to be aggravating.

4. If any of the aggravating circumstances is specified in an article of the Special Part of this Code as an element of an offense, that affects its treatment, a court shall not take it into consideration again as an aggravating circumstance when imposing a punishment.

Article 68. Imposition of punishment for unconsummated criminal offense and offense committed in complicity

1. For the purposes of imposition of punishment for an unconsummated criminal offense, a court, while being guided by Articles 65-67 of this Code, shall consider the degree of gravity of a person's act, the degree of consummation of the criminal intent, and the reasons for which the offense was not consummated.

2. The term of punishment for preparation for crime may not exceed a period of half of the maximum term of the heaviest kind of punishment prescribed by a sanction of an article (a sanction of a paragraph of an article) in the Special Part of this Code.

3. The term of punishment for attempted crime may not exceed a period of two thirds of the maximum term of the heaviest kind of punishment prescribed by a sanction of an article (a

sanction of a paragraph an article) in the Special Part of this Code.

4. For the purposes of imposition of punishment upon accomplices in a criminal offense, a court, while being guided by Articles 65-67 of this Code, shall take into account the nature and the degree of each person's participation in the criminal offense.
(Article 68 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 69. Imposition of a punishment milder than prescribed by the law

1. In presence of several circumstances mitigating the punishment and significantly decreasing the degree of gravity of the offense committed, having regard to the character of an offender, a court may, by providing the reasons for its judgment, impose a primary punishment lower than the lowest threshold prescribed by a sanction of an article (a sanction of a paragraph of an article) in the Special Part of this Code, or change to another, milder type of primary punishment, which is not prescribed by a sanction of the article (a sanction of a paragraph of an article) concerned with this offense. In this case, the court may not impose a punishment lower than the lowest threshold prescribed for this type of punishment in the General Part of this Code.

2. Based on the grounds specified in paragraph 1 of this Article, a court may decide not to impose an additional punishment, which is defined as a mandatory punishment by a sanction of an article (a sanction of a paragraph of an article) in the Special Part of this Code.
(Article 69 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 69-1. Imposition of punishment under mitigating circumstances

1. The term of punishment may not exceed a period of two thirds of the maximum term of the heaviest punishment prescribed by a relevant sanction of an article (a sanction of a paragraph of an article) in the Special Part of this Code under the circumstances that are deemed as mitigating in sub-paragraphs 1 and 2 of paragraph 1 of Article 66 of this Code, in the absence of circumstances that are deemed as aggravating, and in the event of admission of guilt by a defendant.
(The Code is supplemented by Article 69-1 by Law No 270-VI (270-17) of 15.04.2008)

Article 70. Imposition of punishment for cumulative criminal offenses

1. In event of cumulative criminal offenses, a court, having determined the punishment (both primary and additional) for each offense, shall impose a final punishment by way of merging milder punishment into a heavier one, or by way of full or partial adding up of imposed punishments.

2. In adding up punishments, the final cumulative punishment shall be within the limits prescribed by that sanction of an article (the sanction of a paragraph of an article) in the Special Part of this Code, which provides for a heavier punishment. Where at least one of the criminal offences is an intentional grave or special grave offense, the court may impose a final cumulative punishment within the maximum term provided for this kind of punishment in the General Part of this Code. Where life imprisonment is imposed for at least one of the criminal offenses committed, the final cumulative punishment shall be determined by way of merging milder punishments into life imprisonment.

3. A primary cumulative punishment may be supplemented by additional punishments imposed by a court for criminal offenses of which a person was convicted.

4. A punishment shall be imposed under the rules set out in paragraphs 1 to 3 of this Article

where, after a sentence in the case was passed, it is established that the sentenced person is guilty of yet another criminal offense committed before such previous sentence was passed. In this case, the punishment that has been fully or partially served under the previous sentence shall be merged into the term of the final punishment pursuant to the rules set out in Article 72 of this Code.

(Article 70 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 71. Imposition of punishment by cumulating sentences

1. Where a convicted person commits a new crime after the sentence was passed but before the full term has been served, a court shall, fully or partially supplement the new sentence with the unexpired term of the previous sentence.

2. In adding punishments through cumulation of sentences, the total term of punishment may not exceed the maximum term prescribed for this kind of punishment in the General Part of this Code. In cumulating punishments of imprisonment, the final term shall not exceed fifteen years, and where at least one of the offenses is a special grave offense, the total term may exceed fifteen years but should not exceed twenty five years. In cumulating punishments of life sentence or any milder punishments, the total term of the final punishment imposed through cumulation of sentences shall be determined by way of merging any milder punishments into life imprisonment.

3. Any additional punishment imposed at least in one of the sentences or an unserved term of any additional punishment under a previous sentence shall be added to the final primary punishment imposed through cumulation of sentences.

4. The final punishment imposed through cumulation of sentences, except for the cases when it is determined by merging one punishment with another one imposed for the maximum term, shall be longer than the punishment imposed for any new criminal offense and also the unserved term of any previous sentence.

5. Where a convicted person commits two or more criminal offenses after the sentence was passed but before the full term has been served, a court shall impose punishments for these new offenses under rules set out in Article 70 of this Code, and then fully or partially add the unexpired term of the previous sentence to the final punishment determined by way of cumulation of sentences within the limits prescribed in paragraph 2 of this Article.

(Article 71 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 72. Rules of adding up punishments and merging previous terms

1. In adding up punishments for cumulative offenses and cumulative sentences, a milder type of punishment is merged into a heavier punishment based on the following proportions:

1) one day of imprisonment equals to:

a) one day of custody in a penal battalion for military servants, or one day of arrest;

б) two days of restraint of liberty;

в) three days of service restriction for military servants, or three days of correctional labor;

г) eight hours of community service;

2) one day of custody in a penal battalion for military servants, or one day of arrest equals

to:

- a) two days of restraint of liberty;
 - 6) three days of service restriction for military servants, or three days of correctional labor;
 - 3) one day of restraint of liberty equals to three days of service restriction for military servants, or three days of correctional labor.
 - 4) one day of restraint of liberty of arrest equals to eight hours of community service.
2. In imposing a punishment through cumulation of offenses or sentences, where the punishment is to be correctional labor or service restrictions for military servants, only the terms of these punishments shall be added up. Any deductions from salaries of a convicted person shall not be added up and shall be calculated for each sentence separately.
3. Primary punishments of a fine, or deprivation of the right to occupy certain positions or engage in certain activities, when imposed as aggregate sentences for an aggregate of crimes, do not merge and shall be served separately.
4. Additional punishments of various types shall always be served separately.
5. A court shall merge the pretrial detention into the term of punishment, in case of sentencing to imprisonment, on a day for day basis or pursuant to the rules set out in paragraph 1 of this Article. In imposing punishments not specified in paragraph 1 of this Article, a court may take into account the pretrial detention and mitigate the punishment or discharge the convicted person from serving it.
6. The rules for determining concordance of various kinds of punishment stipulated by paragraph 1 of this Article may also apply to other cases envisaged by the General Part of this Code.
(Article 72 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 73. Calculation of terms of punishment

The terms of punishment shall be calculated in years, months and hours. In case of substituting, adding up or merging of pretrial detention, the terms of punishment may be calculated in days.

Chapter XII. DISCHARGE FROM PUNISHMENT AND FROM SERVING IT

Article 74. Discharge from punishment and from serving it

1. Discharge of a convicted person from punishment or from further serving of punishment, substitution of an imposed punishment by a milder punishment or mitigation of punishment, except for discharge from punishment or mitigation of punishment on the grounds of the Law of Ukraine on Amnesty or an act of pardon, may only be exercised by court in cases prescribed by this Code.
2. A person convicted of acts made no longer punishable by law shall be immediately discharged from punishment imposed by a court.
3. A punishment imposed on a convicted person, which is heavier than the sanction of a new law, shall be lowered to the maximum threshold of punishment prescribed by such sanction. In the event that such threshold foresees milder punishment, the punishment served by the

convicted shall be merged based on calculation prescribed by the rules set out in paragraph 1 of Article 72 of this Code.

4. A person who committed a minor criminal offense or medium grave offense may be discharged from punishment upon a judgment of court, if the court is satisfied that, due to good conduct and diligent work demonstrated by this person at the time of proceedings, he/she shall not be treated as socially dangerous.

5. A person may also be discharged from punishment by a judgment of court on the grounds provided for in Article 49 of this Code.

(Article 74 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 75. Discharge on probation

1. Where, in imposing a punishment of correctional labor, service restriction for military servants, restraint of liberty, or imprisonment for a term not exceeding five years, a court, having regard to the gravity of an offense, the character of the culprit and other circumstances of the crime, finds that the convicted may be reformed without serving the punishment, it may order a discharge on probation.

2. In this case, the court shall order to discharge the convicted person from serving the sentenced imposed on the condition that, during the probation period, this person commits no further criminal offenses and complies with the obligations imposed on him or her.

3. A probation period shall be from one to three years.

Article 76. Obligations imposed on a person discharged on probation

1. In case of discharge on probation, a court may impose the following obligations on the convicted person:

1) apologize to a victim publicly or in any other way;

2) not leave outside Ukraine for permanent residence without a permission of criminal enforcement authorities;

3) notify criminal enforcement authorities of any change in the place of residence, employment or studies;

4) regularly register with criminal enforcement authorities;

5) undergo medical treatment for alcoholism, drug addiction, or any disease which poses threat to health of other persons.

2. The conduct of such convicted person shall be monitored by penal enforcement authorities at the place of his/her residence, and the conduct of military servants shall be monitored by commanders of military units.

(Article 76 as amended by Law No 1254-VI (1254-17) of 14.04.2009)

Article 77. Imposition of additional punishments in case of discharge from primary punishment on probation

In case of discharge on probation, additional punishments may be imposed, such as fine, deprivation of the right to occupy certain positions or engage in certain activities, and revocation of a military or special title, rank, grade or qualification class.

Article 78. Legal consequences of discharge on probation

1. Upon the expiry of a probation period, a convicted person, who complied with obligations imposed on him or her by a court and committed no further criminal offenses shall be discharged from the punishment imposed on him or her by a court.
2. If a convicted person fails to comply with obligations imposed on him or her, or regularly commits offenses that entail administrative penalties and demonstrate his/her unwillingness to reform, a court shall send the convicted person to serve the imposed sentence.
3. If a convicted person commits another crime while on probation, a court shall impose a punishment on him or her pursuant to Articles 71 and 72 of this Code.

Article 79. Discharge on probation for pregnant women and women having children under seven years of age

1. Where a restraint of liberty or imprisonment is imposed upon pregnant women or a women having children under seven years of age, except for the persons sentenced to imprisonment for a term over five years for grave or special grave offenses, a court may discharge such persons from both primary and additional punishments on probation for a period of leave granted by law to women in view of pregnancy, childbirth and until the child attains seven years of age.
2. Where pregnant women or women having children under 7 years of age are discharged on probation, a court may impose upon a convicted woman any such obligation as provided for by Article 76 of this Code.
3. The conduct of the convicted persons shall be monitored by criminal enforcement authorities.
4. Upon the expiry of a probation period, depending on the conduct of the convicted woman, a court shall discharge her from punishment or send her to serve the imposed sentence.
5. Where a convict discharged on probation relinquishes her child, resigns the child to a children's home, neglects her duty to take care of the child, disappeared having left her place of residence, evades from bringing up and taking care of her child, fails to comply with the obligations imposed upon her by a court or regularly commits offenses that entail administrative penalties and demonstrate her unwillingness to reform, a court, on a motion of the monitoring authority, shall refer such convicted woman to serve her sentence imposed by a court.
6. Where a convicted woman commits another offense while on probation, a court shall impose a punishment on her pursuant to Articles 71 and 72 of this Code.
(Article 79 as amended by Law No 1254-VI (1254-17) of 14.04.2009)

Article 80. Discharge from serving a sentence due to expiry of limitation periods for enforcement of judgment

1. A person shall be discharged from serving his/her sentence, if it was not enforced within the following periods of time elapsing from the date on which the judgment came into force:
 - 1) two years for a sentence lesser than the restraint of liberty;

- 2) three years for a sentence of restraint of liberty or imprisonment imposed for a minor offense;
 - 3) five years for a sentence of imprisonment imposed for a medium grave offense and also a sentence of imprisonment for a term up to five years imposed for a grave offense;
 - 4) ten years for a sentence of imprisonment for a term over five years imposed for a grave offense, and also a sentence of imprisonment for a term up to ten years imposed for a special grave offense;
 - 5) fifteen years for a sentence of imprisonment for a term over ten years imposed for a special grave offense.
2. Periods of limitations for additional punishments shall depend on the primary punishment imposed in a judgment of court.
 3. Limitation periods shall be suspended if a convicted person avoids serving his/her sentence. In such cases, limitation periods shall resume on the date the convicted person appeared to continue to serve his/her sentence or on the day of his/her apprehension. In this case, the limitation periods provided for in subparagraphs 1 to 3 of paragraph 1 of this Article shall be doubled.
 4. Limitation periods shall be suspended, if, prior to the expiry of periods provided for in paragraphs 1 to 3 of this Article, a convicted person commits another medium grave offense, grave offense or special grave offense. In this case, the limitation period shall begin on the date of the new criminal offense controls for the commencement of a limitation period.
 5. A court shall decide any issues related to the application of limitation periods to a person sentenced to life imprisonment. If the court finds it impossible to apply limitation period, the life imprisonment shall be substituted by imprisonment.
 6. No limitation periods shall apply where a person was convicted for criminal offenses against peace and security of mankind as provided for by Articles 437 to 439 and 442 of this Code.

Article 81. Parole

1. Parole may be applied to persons who serve their sentences of correctional labor, or service restrictions for military servants, or restraint of liberty, or custody of military servants in a penal battalion, or imprisonment. A person may also be fully or partially paroled from serving his/her additional punishment.
2. Parole may be applied, if a sentenced person displays decent behavior and diligence in work as a proof of his/her reformation.
3. Parole may be applied after a sentenced person has actually served:
 - 1) not less than one-half of the term imposed by a court for a minor or medium grave offense, and also for a reckless grave offense;
 - 2) not less than two-thirds of the term imposed by a court for an intended grave offense or reckless special grave offense, and also where that person had previously served a sentence of imprisonment imposed for an intended offense but committed another intended offense before the conviction was canceled or revoked and had been sentenced for that offense to

imprisonment;

3) not less than three quarters of the term imposed by a court for an intended special grave offense, or of the term imposed on a person who had been previously paroled but committed another intended offense during the remaining part of the sentence;

4. Where a paroled person commits another offense during the remaining part of the sentence, a court shall impose a punishment under the rules provided for by Articles 71 and 72 of this Code.

Article 82. Commutation of the remaining part of a sentence

1. A court may commute the remaining part of a sentence of restraint of liberty or imprisonment. In this case, a more lenient punishment shall be imposed within the terms provided for by the General Part of this Code with regard to a given type of punishment and may not exceed the remaining part of the original sentence.

2. Where the remaining part of a primary sentence is commuted, the sentenced person may also be discharged from the additional punishment of deprivation of the right to occupy certain positions or engage in certain activities.

3. Commutation of the remaining part of a sentence may be applied if the sentenced person displays signs of rehabilitation.

4. The remaining part of a sentence may be commuted after a sentenced person has actually served:

1) not less than one-third of the term imposed by a court for a minor or medium grave offense, and also for a reckless grave offense;

2) not less than one-half of the term imposed by a court for an intended grave offense or reckless special grave offense, and also where that person had previously served a sentence of imprisonment imposed for an intended offense but committed another intended offense before the criminal record was canceled or revoked and had been sentenced for that offense to imprisonment;

3) not less than two-thirds of the term imposed by a court for an intended special grave offense, or of the term imposed on a person who had been previously paroled but committed another intended offense before the expiry of the remaining part of his/her sentence;

5. Persons, whose sentence was commuted, may be paroled under rules provided for by Article 81 of this Code.

6. If a person commits another offense while serving a commuted sentence, a court shall add the remaining part of the commuted sentence to the punishment imposed for any new offense according to the rules provided by Articles 71 and 72 of this Code.

Article 83. Discharge from punishment for pregnant women and women with children under three years of age

1. Women sentenced to the restraint of liberty or imprisonment, who become pregnant or give birth to a child while serving their sentences, except women sentenced to imprisonment for a term over five years for intended grave or special grave offenses, may be discharged, by a court, from serving their sentences for a period of time within which a women may

enjoy her maternity leave, in accordance with the law, in connection with her pregnancy, child birth and until the child attains three years of age.

2. Discharge from serving a sentence shall apply to any sentenced female who has a family or relatives, who agree to live with her, or any sentenced female who is able to independently provide proper conditions for raising of her child.

3. The conduct of such women shall be monitored by a local criminal enforcement authority.

4. When the child attains three years of age or if the child dies, a court may discharge the sentenced female from serving her sentence, or commute her sentence, or order that she should continue to serve her original sentence, depending on her conduct. In case of ordering the continued service of sentence, the court may fully or partially include the period, during which the sentenced female was released from serving her sentence, in the term of her sentence.

5. Where a sentenced female, who was discharged from serving her sentence, abandons her child, or places it in an orphanage, or disappears from the place of residence, or refuses to raise or take care for her child, or regularly commits wrongdoings that involve administrative penalties and demonstrate her unwillingness to reform, a court may, upon a motion of the control authority, order that the sentenced female should continue to serve her original sentence.

6. Where a sentenced female commits another criminal offence while being discharged from serving her sentence, a court shall impose a punishment on her pursuant to the rules provided for by Articles 71 and 72 of this Code.

(Article 83 as amended by Law No 1254-VI (1254-17) of 14.04.2009)

Article 84. Discharge on medical grounds

1. A person shall be discharged from punishment, if he/she develops a mental disease while serving his/her sentence, which renders him/her incapable of realizing his/her actions (or omissions) or controlling them. Such person may be subject to compulsory medical measures pursuant to Articles 92 to 95 of this Code.

2. A person, who develops a serious illness after commission of a criminal offense or imposition of a sentence, which precludes him/her from serving his/her sentence, may be discharged from punishment or further service. During consideration of any such matter, a court shall take into account the gravity of the offense committed, the nature of the disease, the character of the offender, and other circumstances of the case.

3. Military servants sentenced to service restrictions, arrest or custody in a penal battalion, who are found unfit to continue military service due to health problems, shall be released from punishment.

4. Where persons, referred to in paragraphs 1 and 2 of this Article, recover, they shall be ordered to continue to serve their sentences, provided the limitation periods, prescribed by Articles 49 or 80 of this Code, have not expired, or where no other grounds for discharge are available. For these purposes, the period of time, within which any compulsory treatment measures were applied, shall be included in the term of sentence pursuant to the rules provided for by paragraph 5 of Article 72 of this Code, where each day of compulsory treatment counts as one day of imprisonment.

Article 85. Discharge from punishment on the basis of the Law of Ukraine on amnesty or an

act of pardon

A sentenced person may be fully or partially discharged from his/her primary or additional punishment or may have his/her sentence or the remaining part of it commuted on the basis of the Law of Ukraine on amnesty or an act of pardon.

Article 86. Amnesty

1. Amnesty shall be announced in a Law of Ukraine in regard of a certain category of persons.
2. The Law on amnesty may fully or partially discharge offenders from criminal liability or punishment.
3. The Law on amnesty may commute a sentence or the remaining part of a sentence.

Article 87. Pardon

1. Pardon is granted by the President of Ukraine in regard of a particular individual.
2. An act of pardon may substitute a life sentence imposed by a court by imprisonment for a term not less than twenty five years.

**Chapter XIII.
CONVICTION**

Article 88. Legal consequences of conviction

1. A person shall be held to have a conviction from the date on which the judgment of guilty enters into force and until the conviction is canceled or revoked.
2. Conviction shall have legal implications in case of commission of a new criminal offense, and also other cases provided for by Ukrainian laws.
3. Persons convicted without imposition of any sentence, or discharged from punishment, or those who have served their sentence for any criminal offense the criminality and punishability of which was subsequently repealed by law, shall be held to have no conviction.
4. Rehabilitated persons shall be held to have no conviction.

Article 89. Cancellation of conviction

The following persons shall be held to have no conviction:

- 1) persons sentenced under Article 75 of this Code, if they commit no further offenses during the probation period, and the probation is not revoked during the prescribed period for any other reasons provided for by law. If the term of any additional punishment exceeds the term of probation, a person shall be held to have no conviction after completing to serve such additional punishment;
- 2) women sentenced under Article 79 of this Code, if they commit no further offenses during the probation period, and are not ordered to continue to serve their sentences imposed by a court after the probation period. Where a convicted female was not discharged from an additional punishment and its term exceeds the term of the primary punishment, she shall

be held to have no conviction after completing to serve such additional punishment;

3) persons sentenced to the deprivation of the right to occupy certain positions and engage in certain activities, after completing to serve this punishment;

4) persons who have completed to serve their sentence of service restrictions for military servants, or custody in a penal battalion, or those who were paroled in respect of such offenses, and also military servants who have served their punishment at a guardhouse instead of arrest;

5) persons sentenced to a fine, or community service, or correctional labor, or arrest, they commit no further offenses within one year from the date on which they completed to serve their sentence (primary or additional);

6) persons sentenced to restraint of liberty, or sentenced to imprisonment for a minor offense, if they commit no further offenses within two years from the date on which they completed to serve their sentence (primary or additional);

7) persons sentenced to imprisonment for a medium grave offense, if they commit no further offenses within three years from the date on which they completed to serve their sentence (primary or additional);

8) persons sentenced to imprisonment for a grave offense, if they commit no further offenses within six years from the date on which they completed to serve their sentence (primary or additional);

9) persons sentenced to imprisonment for a special grave offense, if they commit no further offenses within eight years from the date on which they completed to serve their sentence (primary or additional);

Article 90. Calculation of periods for the cancellation of conviction

1. The periods of the cancellation of conviction shall be calculated from the date of completion of a primary or additional sentence.

2. The cancellation period shall include the time during which the sentence was not enforced, provided that the limitation period was not interrupted. If a sentence was not enforced, the conviction shall be canceled upon expiration of limitation periods for enforcement of a sentence.

3. If a person is paroled, the cancellation period shall be calculated from the date of discharge (from serving any primary or additional sentence) on parole.

4. If any unserved portion of a sentence is commuted, the cancellation period shall be calculated from the date of completion of the commuted sentence (primary or additional).

5. If a person who completed his/her sentence, commits another offense before the expiration of the period for cancellation of conviction, this period shall be suspended and recalculated. In any such cases, the cancellation periods shall be calculated separately for each criminal offense, after the actual completion of the sentence (primary and additional) imposed for the last committed offense.

Article 91. Revocation of conviction

1. If a person, who completed his/her sentence of restraint of liberty or imprisonment, displays good conduct and diligent work as a proof of his/her rehabilitation, a court may

revoke his/her conviction before the expiration of periods described in Article 89 of this Code.

2. Conviction may only be revoked after the expiration of at least one-half of the cancellation period provided for by Article 89 of this Code.

3. The procedures related to revocation of conviction shall be established in the Criminal Procedure Code of Ukraine.

Chapter XIV. COMPULSORY MEDICAL MEASURES AND COMPULSORY TREATMENT

Article 92. Definition and purpose of compulsory medical measures

Compulsory medical measures shall mean an outpatient psychiatric assistance, placement of a person, who committed a socially dangerous act that involves elements of any act described in the Special Part of the Code, in a special treatment institution for the purpose of his/her compulsory treatment, and also prevention of this person from committing any socially dangerous acts.

Article 93. Persons subjected to compulsory medical measures

Compulsory medical measures may be applied by a court to persons who:

- 1) committed any socially dangerous acts in condition of insanity;
- 2) committed a criminal offense in condition of partial insanity;
- 3) committed a criminal offense crime but developed insanity before a sentence was pronounced or while serving a sentence.

Article 94. Types of compulsory medical measures

1. A court may impose the following compulsory medical measures depending on the seriousness of a mental condition, the gravity of an act committed, and the degree to which the offender is dangerous to himself or others:

- 1) compulsory outpatient psychiatric assistance;
- 2) hospitalization in a regular-security mental institution;
- 3) hospitalization in a reinforced-security mental institution;
- 4) hospitalization in a high-security mental institution;

2. A court may order compulsory outpatient psychiatric assistance in respect of a mentally sick person who committed an socially dangerous act, if the condition of the person does not necessitate inpatient treatment in a mental institution.

3. A court may order hospitalization in a regular-security mental institution in respect of a mentally sick person whose mental condition and the nature of his/her socially dangerous act necessitates custody in a mental institution and compulsory treatment.

4. A court may order hospitalization in a reinforced-security mental institution in respect of a mentally sick person who committed a socially dangerous act that involved no trespass against lives of other persons and whose mental condition is not dangerous to the public but

necessitates custody in a mental institution and treatment in conditions of reinforced security.

5. A court may order hospitalization in a high-security mental institution in respect of a mentally sick person who committed a socially dangerous act that involved a trespass against lives of other persons and whose mental condition and the nature of his/her socially dangerous act pose an increased hazard to the public and necessitate custody in a mental institution and treatment in conditions of high security.

6. If compulsory medical measures are found not to be necessary or are discontinued, a court may place a mentally sick person under care of relatives or custodians on condition of a compulsory medical follow-up.

Article 95. Continuation, change or discontinuation of compulsory medical measures

1. Continuation, change or discontinuation of compulsory medical measures shall be ordered by a court upon a motion of a representative of the mental institution (psychiatrist), who provides psychiatric assistance to a person, together with an appended opinion of a panel of psychiatrists, which states the reasons for continuation, change or discontinuation of any compulsory measures.

2. Persons subjected to compulsory medical measures shall be examined at least once every six months by a panel of psychiatrists who shall determine any reasons that may justify a court motion seeking discontinuation or change of any such measures. If no reasons are found, which justify the discontinuation or change of a compulsory medical measures, a representative of a mental institution (psychiatrist) who provides psychiatric assistance to the person, shall file an application with a court, together with an opinion of the panel of psychiatrists, which provides reasons for continuation of compulsory medical measures. If compulsory medical measures need to be extended beyond a six-month period, a representative of a mental institution (psychiatrist) who provides psychiatric assistance to the person, shall file with a local court an application for extension of compulsory measures. The application shall be accompanied with an opinion of a panel of psychiatrists, which provides reasons for the need to continue psychiatric assistance to the person. Every further extension of compulsory medical measures may not exceed six months.

3. Where compulsory medical measures are discontinued due to improvement of mental condition of a person, a court may place him/her under care of relatives or custodians on condition of a compulsory medical follow-up.

4. Where compulsory medical measures are discontinued due to recovery, persons, who committed any offense in state of sanity but developed insanity before a sentence was pronounced, shall be liable to punishment on general grounds, and persons, who developed insanity while serving a sentence, shall continue to serve the sentence.

Article 96. Compulsory treatment

1. Compulsory treatment may be ordered by a court in respect of persons, who committed offenses and have any disease dangerous to the health of others, irrespective of the punishment imposed on them.

2. In case of imprisonment or restraint of liberty, treatment shall be provided at the place of service. In case of any other type of punishment, treatment shall be provided in special treatment institutions.

Chapter XV.

SPECIFIC FEATURES OF CRIMINAL LIABILITY AND PUNISHMENT OF MINORS

Article 97. Discharge from criminal liability with imposition of compulsory reformation measures

1. A minor who committed a minor offense or a medium grave reckless offense for the first time, may be discharged from criminal liability, provided that his reformation is possible without punishment. In such cases, a court shall impose compulsory reformation measures provided for by paragraph 2 of Article 105 of this Code upon the minor.

2. A court shall also apply compulsory reformation measures provided for by paragraph 2 of Article 105 of this Code to a person, who committed a socially dangerous act that classifies as an act provided for by the Special Part of this Code, before he/she attained the age of criminal liability.

3. Where a minor, who committed a criminal offense, evades compulsory reformation measures, such measures shall be canceled and he/she shall be criminally prosecuted. (Article 97 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 98. Types of punishment

1. The following types of punishment may be imposed on minors, who committed any criminal offense:

- 1) fine;
- 2) community service;
- 3) correctional labor;
- 4) arrest;
- 5) imprisonment for a determinate term;

2. Minors may be subject to such additional punishments as a fine and deprivation of the right to occupy certain positions or engage in certain activities.

Article 99. Fine

1. A fine may be imposed only on minors who have independent income, personal finances or property, on which the execution of penalty may be levied.

2. A court shall determine the amount of a fine, which is conditioned by the gravity of the criminal offense and the property status of a minor but may not exceed 500 tax-free minimum incomes established by the legislation of Ukraine.

Article 100. Community service and correctional labor

1. Community service may be imposed on a minor of 16 to 18 years of age for a term of 30 to 120 hours and shall consist of services provided by a minor in time free from studies or main employment. The duration of this punishment may not exceed two hours per day.

2. Correctional labor may be imposed on a minor of 16 to 18 years of age to be performed at the place of his/her employment for a term of two months to 1 year.

3. A court shall establish an amount ranging from five to ten percent of the salary of a minor

sentenced to correctional labor, which shall be deducted in favor of the State.

Article 101. Arrest

Arrest shall imply detention of a minor, who attained the age of 16 by the time of sentencing, in isolation in special institutions for a term of fifteen to forty-five days.

Article 102. Imprisonment for a determinate term

1. The term of punishment of imprisonment imposed on a persons who were under 18 years of age at the time of commission of an offense, may be from six months up to 10 years, except for the cases provided for by subparagraph 5 of paragraph 3 of this Article. Minors sentenced to imprisonment shall serve it in special reformatory institutions.

2. Imprisonment may not be imposed on a minor who committed a minor offense for the first time.

3. Imprisonment shall be imposed on a minor who committed:

1) a repeated minor offense - for a term up to one year and six months;

2) a medium grave offense - for a term up to four years;

3) a grave offense - for a term up to seven years;

4) a special grave offense - for a term up to ten years.

5) a special grave offense involving a murder - for a term up to fifteen years.
(Article 102 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 103. Imposition of punishment

1. When imposing a punishment on a minor, a court shall consider, in addition to the circumstances provided for by Articles 65 to 67 of this Code, the conditions of the person's living and upbringing, the influence of adults, level of his/her development and other specific features of his personality.

2. The final punishment of imprisonment imposed on a minor by cumulation of offenses or punishments may not exceed fifteen years.

Article 104. Discharge from punishment on probation

1. Discharge from punishment on probation shall be applied to minors pursuant to Articles 75 to 78 of this Code and subject to the provisions of this Article.

2. Discharge on probation may only be applied to minors sentenced to arrest or imprisonment.

3. Probation shall be fixed for a period of one to two years.

4. When discharging a minor on probation, a court may place this minor under care and supervision of another person, upon consent of the latter to undertake such obligation.
(Article 104 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 105. Discharge from punishment subject to compulsory correctional measures

1. A minor, who has committed a minor or medium grave offense, may be discharged from punishment by a court, if it is found that the punishment may be discontinued due to the minor's genuine repentance and further irreproachable conduct.

2. In this case, the court shall impose the following correctional measures on a minor:

1) warning;

2) restriction of leisure time and special requirements to a minor's conduct;

3) placing a minor under supervision of his/her parents or foster parents, or school teachers or colleagues upon their consent, or other individuals at their request;

4) obliging a minor, who has attained 15 years of age and possesses any property, money or has any earnings, to compensate any pecuniary damages;

5) placing a minor in a special educational and correctional institution for children and teenagers until the minor's complete correction but for a term not exceeding three years. Conditions of stay in and procedure of discharge from these institutions shall be provided for by law.

3. A minor may be subjected to several compulsory correctional measures provided for by paragraph 2 of this Article. The duration of compulsory correctional measures provided for by subparagraphs 2 and 3 of paragraph 2 of this Article shall be determined by a sentencing court.

4. A court may also find it necessary to appoint a tutor for a minor pursuant to the procedures provided for by the law.

Article 106. Discharge from criminal liability and punishment due to the expiration of limitation periods

1. Discharge from criminal liability and punishment due to the expiration of limitation periods shall be applied to persons, who committed criminal offenses under 18 years of age, pursuant to Articles 49 and 80 of this Code and subject to the provisions of this Article.

2. The following limitation periods shall be established in respect of persons described in paragraph 1 of this Article:

1) two years - for a minor offense;

2) five years - for a medium grave offense;

3) seven years - for a grave offense;

4) ten years - for a special grave offense.

3. The following periods of sentence enforcement shall be established in respect of persons described in paragraph 1 of this Article:

1) two years - where a person was sentenced to any punishment other than imprisonment, or to imprisonment for a minor offense;

2) five years - where a person was sentenced to imprisonment for a medium grave offense, or imprisonment for a term up to five years for a grave offense;

- 3) seven years - where a person was sentenced to imprisonment for a term exceeding five years for a grave offense;
- 4) ten years - where a person was sentenced to imprisonment for a special grave offense.

Article 107. Parole

1. Parole may be applied to persons who serve their sentence of imprisonment imposed for an offense crime committed at the age under 18, regardless of the gravity of the offense.
2. Parole may be applied, if a person displays decent behavior and diligence in work and studies as a proof of his/her reformation.
3. Parole may be applied to persons, who committed an offense at the age under 18, after they have actually served:
 - 1) not less than one-third of the term of imprisonment imposed by a court for a minor or medium grave offense, and also for a reckless grave offense;
 - 2) not less than one-half of the term of imprisonment imposed by a court for an intended grave offense or reckless special grave offense, and also where that person had previously served a sentence of imprisonment imposed for an intended offense but committed another intended offense at the age under 18 before the conviction was canceled or revoked and had been sentenced for that offense to imprisonment;
 - 3) not less than two-thirds of the term of imprisonment imposed by a court for an intended special grave offense, and also where that person had previously served a sentence of imprisonment and had been paroled but committed another intended offense at the age under 18 before the end of sentence and had been sentenced for that offense to imprisonment;
4. Commutation of the unserved part of the sentence shall not be applied in respect of minors.
5. Where a paroled person commits another offense during the remaining part of the sentence, a court shall impose a punishment under the rules provided for by Articles 71 and 72 of this Code.

Article 108. Cancellation and revocation of conviction

1. Conviction of persons who committed any criminal offense at the age under 18 shall be cancelled and revoked pursuant to Articles 88 to 91 of this Code and subject to the provisions of this Article.
2. The following minors shall be held to have no conviction:
 - 1) minors sentenced to any punishment other than imprisonment, who have fully served their sentence;
 - 2) minors sentenced to imprisonment for a minor or medium grave offense, if they commit no further offense within one year from the date on which they completed to serve their sentence;
 - 3) minors sentenced to imprisonment for a grave offense, if they commit no further offense within three years from the date on which they completed to serve their sentence;

4) minors sentenced to imprisonment for a special grave offense, if they commit no further offense within five years from the date on which they completed to serve their sentence;

3. Preterm revocation of conviction shall be permissible only in respect of a person who has served a sentence of imprisonment imposed for a grave or a special grave offense committed at the age under 18, on such grounds as provided for by paragraph 1 of Article 91 of this Code, after completion of at least one-half of the cancellation period as provided for by paragraph 2 of this Article.

SPECIAL PART

Chapter I.

CRIMES AGAINST NATIONAL SECURITY OF UKRAINE

Article 109. Actions aimed at forceful change or overthrow of the constitutional order or take-over of government

1. Actions aimed at forceful change or overthrow of the constitutional order or take-over of government, and also a conspiracy to commit any such actions, -

shall be punishable by imprisonment for a term of five to ten years.

2. Public appeals to violent change or overthrow of the constitutional order or take-over of government, and also dissemination of materials with any appeals to commit any such actions, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

3. Any such actions, as provided for by paragraph 2 of this Article, if committed by a member of public authorities or repeated by any person, or committed by an organized group, or by means of mass media, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

Article 110. Trespass against territorial integrity and inviolability of Ukraine

1. Willful actions committed to change the territorial boundaries or national borders of Ukraine in violation of the order provided for in the Constitution of Ukraine (254к/96-BP), and also public appeals or distribution of materials with appeals to commit any such actions, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

2. Any such actions, as provided for by paragraph 1 of this Article, if committed by a member of public authorities or repeated by any person, or committed by an organized group, or combined with inflaming national or religious enmity, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for the same term.

3. Any such actions, as provided for by paragraphs 1 and 2 of this Article, if they caused the killing of people or any other grave consequences, -

shall be punishable by imprisonment for a term of seven to twelve years.

Article 111. High treason

1. High treason, that is an act willfully committed by a citizen of Ukraine in the detriment of sovereignty, territorial integrity and inviolability, defense capability, and state, economic or information security of Ukraine: joining the enemy at the time of martial law or armed conflict, espionage, assistance in subversive activities against Ukraine provided to a foreign state, a foreign organization or their representatives,-

shall be punishable by imprisonment for a term of ten to fifteen years.

2. A citizen of Ukraine shall be discharged from criminal liability where, he has not committed any acts requested by a foreign state, a foreign organization or their representatives and voluntarily reported his ties with them and the task given to government authorities.

Article 112. Trespass against life of a statesman or a public figure

Trespass against life of the President of Ukraine, the Chairman of the Verkhovna Rada (Parliament) of Ukraine, a National Deputy (Member of Parliament) of Ukraine, the Prime Minister of Ukraine, a member of the Cabinet of Ministers of Ukraine, the Chairman or a judge of the Constitutional Court of Ukraine or the Supreme Court of Ukraine or High Specialized Courts of Ukraine, the Procurator General of Ukraine, the Human Rights Commissioner of the Verkhovna Rada of Ukraine, the Head of the Accounting Chamber, the Chairman of the National Bank of Ukraine, or a leader of a political party, committed in relation to their government or public duties, -

shall be punishable by imprisonment for a term of ten to fifteen years or life imprisonment.

Article 113. Sabotage

Committing, for any purpose prejudicial to the State, setting off explosions, fires, or committing other actions for the purposes of mass destruction of people, or causing bodily injuries or any other harm to their health, or destruction or damaging of important industrial or defense facilities, and also committing, for the same purposes, actions to cause radioactive pollution or mass poisoning, or to advance an epidemic, epizootic, or epiphytic diseases, -

shall be punishable by imprisonment for a term of eighth to fifteen years.

Article 114. Espionage

1. Providing information on state secrets or collecting such information in order to provide to a foreign state, a foreign organization or their representatives, where these actions are committed by a foreign national or stateless person, -

shall be punishable by imprisonment for a term of eight to fifteen years.

2. A person shall be discharged from criminal liability where that person has stopped any such activities as provided for by paragraph 1 of this Article, and voluntarily reported what has been done to government authorities, provided this and the measures taken have been sufficient to prevent any prejudice to the interests of Ukraine.

Chapter II.

CRIMINAL OFFENSES AGAINST LIFE AND HEALTH OF A PERSON

Article 115. Murder

1. Murder, that is willful unlawful causing death of another person, - shall be punishable by imprisonment for a term of seven to fifteen years.

2. Murder:

1) of two or more persons;

2) of a young child or a woman who, to the knowledge of the culprit, is pregnant;

3) of a hostage or an abductee;

4) committed with special brutality;

5) committed by a method dangerous to the lives of many persons;

6) based on mercenary motives;

7) based on hooligan motives;

8) of a person or a person's close relative in relation to that person's official duties or public functions;

9) committed to conceal or facilitate another crime;

10) coupled with rape, or violent unnatural sexual intercourse;

11) committed as a contracted murder;

12) committed by a group of persons upon prior conspiracy;

13) committed by a person who has previously committed a murder, other than a murder provided for by Articles 116-118 of this Code, -

shall be punishable by imprisonment for a term of ten to fifteen years, or life imprisonment with forfeiture of property in the case provided for by subparagraph 6 of paragraph 2 of this Article.

14) based on racial, national or religious intolerance.

(Article 115 as amended by Laws No 270-VI (270-17) of 15.04.2008, No 1707-VI (1707-17) of 05.11.2009)

Article 116. Murder committed in the heat of passion

A murder committed in the heat of passion caused by unlawful violence, systematic harassment or grievous insult of the victim, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

Article 117. Infanticide

Infanticide (murder of a newborn child by his/her mother) during delivery or immediately

after it, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

Article 118. Murder in excess of necessary defense or in excess of measures necessary to apprehend an offender

A murder committed in excess of necessary defense or in excess of measures necessary to apprehend an offender, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for a term up to two years.

Article 119. Negligent homicide

1. Negligent homicide, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for the same term.

2. Negligent homicide of two or more persons, -

shall be punishable by imprisonment for a term of five to eight years.

Article 120. Driving a person into suicide

1. Driving a person into suicide or attempted suicide by means of cruel treatment, blackmail, coercion to unlawful actions or systematic humiliation of his/her human dignity, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same act committed in respect of a person who was in financial or other dependence upon the culprit, or in respect of two or more persons, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

3. Any such act as provided for by paragraph 1 or 2 of this Article, where it was committed in respect of a minor, -

shall be punishable by imprisonment for a term of seven to ten years.

Article 121. Intended grievous bodily injury

1. Intended grievous bodily injury, that is a willful bodily injury which is dangerous to life at the time of infliction, or resulted in a loss of any organ or its functions, or caused a mental disease or any other health disorder attended with a persisting loss of not less than one-third of working capability, or interruption of pregnancy, or permanent disfigurement of face, -

shall be punishable by imprisonment for a term of five to eight years.

2. Intended grievous bodily injury committed by a method characterized by significant torture, or by a group of persons, and also for the purpose of intimidating the victim or other

persons, or based on racial, national and religious intolerance, or committed as a contracted offense, or which caused death of the victim, -

shall be punishable by imprisonment for a term of seven to ten years.
(Article 121 as amended by Law No 1707-VI (1707-17) of 05.11.2009)

Article 122. Intended bodily injury of medium gravity

Intended bodily injury of medium gravity, that is a willful bodily injury which is not dangerous to life and does not result in the consequences provided for by Article 121 of this Code, but which caused a lasting health disorder or a significant and persisting loss of not less than one-third of working capability, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for a term up to three years.

2. The same actions committed for the purpose of intimidating the victim or his/her relatives, or coercion to certain actions, or based on racial, national or religious intolerance, -

shall be punishable by imprisonment for a term of three to five years.
(Article 122 as amended by Law No 1707-VI (1707-17) of 05.11.2009)

Article 123. Intended grievous bodily injury inflicted in the heat of passion

Intended grievous bodily injury inflicted in the heat of passion suddenly provoked by unlawful violence or grievous insult of the victim, -

shall be punishable by community service for a term of 150 to 240 hours, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for a term up to two years.

Article 124. Intended grievous bodily injury inflicted in excess of necessary defense or in excess of measures necessary to apprehend an offender

Intended grievous bodily injury inflicted in excess of necessary defense or in excess of measures necessary to apprehend an offender, -

shall be punishable by community service of 150 to 240 hours, or correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to two years.

Article 125. Intended minor bodily injury

1. Intended minor bodily injury, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term up to 200 hours, or correctional labor for a term up to one year.

2. Intended minor bodily injury that caused a short-term health disorder or insignificant loss of working capability, -

shall be punishable by a fine in the amount of 50 to 100 tax-free minimum incomes, or community service for a term of 150 to 240 hours, or correctional labor for a term up to one year, or arrest for a term up to six months, or restraint of liberty for a term up to two years.

(Article 125 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 126. Battery and torture

1. Intended blows, battery or other violent acts which caused physical pain but no bodily injury, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term up to 200 hours, or correctional labor for a term up to one year.

2. The same acts characterized by torture, committed by a group of persons or for the purpose of intimidating the victim or his relatives, or based on racial, national or religious intolerance, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

(Article 126 as amended by Law No 1707-VI (1707-17) of 05.11.2009)

Article 127. Torture

1. Torture, that is an willful causing of severe physical pain or physical or mental suffering by way of battery, martyring or other violent actions for the purpose of inducing the victim or any other person to commit involuntary actions, including receiving from him/her or any other person information or confession, or for the purpose of punishing him/her or any other person for the actions committed by him/her or any other person or for committing of which he/she or any other person is suspected of, as well as for the purpose of intimidation and discrimination of him/her of other persons, -

shall be punishable by imprisonment for a term of three to five years.

2. The same actions repeated or committed by a group of persons upon prior conspiracy, or based on racial, national or religious intolerance, -

shall be punishable by imprisonment for a term of five to ten years.

(Article 127 in version of Law No 2322-IV (2322-15) of 12.01.2005, No 270-VI (270-17) of 15.04.2008; as amended by Law No 1707-VI (1707-17) of 05.11.2009)

Article 128. Negligent grievous bodily injury or negligent bodily injury of medium gravity

Negligent grievous bodily injury or negligent bodily injury of medium gravity, -

shall be punishable by community service for a term of 150 to 240 hours, or correctional labor for a term up to two years, or restraint of liberty for a term up to two years.

Article 129. Threat to kill

1. Any threat to kill, if there was a reasonable cause to believe that this threat may be fulfilled, -

shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up to two years.

2. The same act committed by a member of an organized group or based on racial, national or religious intolerance, -

shall be punishable by imprisonment for a term of three to five years.

(Article 129 as amended by Law No 1707-VI (1707-17) of 05.11.2009)

Article 130. Infection with HIV or any other incurable contagious disease

1. Willful placing of a person in danger of being infected with HIV or any other incurable contagious disease dangerous to human life, -

shall be punishable by arrest for a term up to three months, or by restraint of liberty for a term up to five years, or imprisonment for a term up to three years.

2. Infection of another person with HIV or any other incurable contagious disease by a person who was aware of himself or herself being a circulator of this virus, -

shall be punishable by imprisonment for a term of two to five years.

3. Any such acts as provided for by paragraph 2 of this Article, if committed in respect of two or more persons or a minor, -

shall be punishable by imprisonment of three to eight years.

4. Willful infection of another person with HIV or any other incurable contagious disease dangerous to the person's life, -

shall be punishable by imprisonment for a term of five to ten years.

Article 131. Professional misconduct causing infection of a person with HIV or any other incurable contagious disease

1. Professional misconduct of a member of medical or pharmaceutical profession or any other employee in consequence of neglect or careless discharge of their professional duties, which caused infection of a person with HIV or any other incurable contagious disease dangerous to the person's life,-

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same act that caused infection of two or more persons, -

shall be punishable by imprisonment for a term of three to eight years with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 132. Disclosure of information on medical examination for HIV or any other incurable contagious disease

Disclosure - by a medical officer, an auxiliary employee who obtained the information without authorization, or a member of medical profession - of information on medical examination for HIV, or any other incurable contagious disease dangerous to the person's life, or AIDS and its results that became known to them in connection with their official or professional duties, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or community service for a term up to 240 hours, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, with or without deprivation of the right to occupy certain

positions or engage in certain activities for a term up to three years.

Article 133. Infection with a venereal disease

1. Infection of another person with a venereal disease by a person who was aware of having this disease, -

shall be punishable by correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to two years, or imprisonment for the same term.

2. Any such actions as provided for by paragraph 1 of this Article, if committed by a person previously convicted of infecting any other person with a venereal disease, and also infecting two or more persons or a minor, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, where they caused grave consequences, -

shall be punishable by imprisonment for a term of two to five years.

Article 134. Illegal abortion

1. Performance of an abortion by a person who has no special medical education, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or community service for a term of 100 to 240 hours, or correctional labor for a term up to two years, or restraint of liberty for a term up to two years.

2. Illegal performance of an abortion that caused a lasting health disorder, sterility or death of the victim, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment of the same term, with or without deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 135. Leaving in danger

1. Willful leaving of a person without help, if he/she remains in a condition dangerous to life and is unable to ensure his/her self-preservation due to young age, old age, illness or helpless condition and where the one, who left this person without help, was obliged to care after this person and was able to provide help to him or her, and where this one himself put the victim in a condition dangerous to life, -

shall be punishable by restraint of liberty for a term up to two years, or imprisonment for the same term.

2. The same actions committed by a mother in respect of her newborn child, unless this mother was in a condition of lying-in, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, where they caused death

of a person or other grave consequences, -

shall be punishable by imprisonment for a term of three to eight years.

Article 136. Failure to provide help to a person who is in a condition dangerous to life

1. Failure to provide help to a person, who is in a condition dangerous to life, where such help could have been provided, or failure to inform appropriate institutions or persons of this person's condition, where this has caused grievous bodily injuries, -

shall be punishable by a fine of 200 to 500 tax-free minimum incomes, or community service for a term of 150 to 240 hours, or arrest for a term up to six months.

2. Failure to provide help to a young child, who is known to be in condition dangerous to life, where such help could have been provided, or failure to inform appropriate institutions or persons of this child's condition, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, where they caused death of the victim, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for a term of two to five years.

(Article 136 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 137. Improper performance of duty with regard to children's life safety and health care

1. Failure to perform or improper performance of professional or official duty with regard to life safety and health care of minors resulting from neglect or careless discharge of this duty, where this has significantly deteriorated health of the victim

shall be punishable by a fine of 100 to 300 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years. (Item 2 of paragraph 1 of Article 137 in version of Law No 2556-VI (2556-17) of 23.09.2010)

2. Any such actions that caused death of a minor or other grave consequences, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for the same term, with or without deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Paragraph 2 of Article 137 in version of Law No 2556-VI (2556-17) of 23.09.2010)

Article 138. Illegal medical practice

Engaging in an illegal medical practice without a special license by a person who has no proper medical education, where this has caused grave consequences for the patient, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for a term up to three years.

Article 139. Failure of a member of medical profession to provide help to a patient

1. Failure to provide help to a patient, without good excuse, by a member of medical profession who was obliged to provide such help in line with the established rules, where this member knew that this may lead to grave consequences for the patient, -

shall be punishable by a fine up to 50 tax-free minimum incomes with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or community service for a term up to 200 hours, or correctional labor for a term up to two years.

2. The same act that caused death of the patient or other grave consequences, -

shall be punishable by restraint of liberty for a term up to four years, or imprisonment for a term up to three years, with or without deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 139 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 140. Improper performance of professional duty by a member of medical or pharmaceutical profession

1. Failure to perform or improper performance of professional duty by a member of medical or pharmaceutical profession due to neglect or careless discharge of this duty, which caused grave consequences for a patient, -

shall be punishable by deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or correctional labor for a term up to two years, or restraint of liberty for a term up to two years, or imprisonment for the same term.

2. This same act that caused grave consequences to a minor, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term up to three years, with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 141. Violation of rights of a patient

Clinical drug trial performed without a written consent of the patient or his legal representative, or in regard of a minor or a legally incapable person, where such actions caused death or other grave consequences, -

shall be punishable by restraint of liberty for a term of three to five years or imprisonment for the same term.

(Article 141 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 142. Illegal experimentation on a human being

1. Illegal performance of biomedical, psychological or other experiments on a human being, which expose his/her life or health to danger, -

shall be punishable by a fine up to 200 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to four years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Any such acts as provided for by paragraph 1 of this Article, where committed with regard

to a minor, or two or more persons, by coercion or deception, or, also, where they caused a lasting health disorder of the victim, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 143. Violation of procedures prescribed by law with regard to human organs or tissue

1. Violation of procedures prescribed by law with regard to human organs or tissue transplantation, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Removal, by coercion or deception, of a body organ or tissue from a human being for the purpose of their transplantation, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such actions as provided for by paragraph 2 of this Article, where committed in regard of a person who was in helpless condition or financial or any other dependence on the culprit, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

4. Illegal trade in human organs or tissues, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

5. Any such acts as provided for by paragraphs 2, 3 or 4 of this Article, where committed by a group of persons upon their prior conspiracy, or participation in transnational organizations engaged in such activity, -

shall be punishable by imprisonment for a term of five to seven years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 144. Forcible donation of blood

1. Taking of blood from a person by force or deceit for donor purposes, -

shall be punishable by deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or correctional labor for a term up to two years, or restraint of liberty for a term up to two years, with or without a fine up to 50 tax-free minimum incomes.

2. Any acts as provided for by paragraph 1 of this Article, where committed in regard of a

minor or a person who was in helpless condition or financial or any other dependence on the culprit, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term up to three years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such acts as provided for by paragraphs 1 and 2 of this Article, where committed by a group of persons upon their prior conspiracy, or for selling purposes, -

shall be punishable by imprisonment of a term up to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 145. Unlawful disclosure of confidential medical information

Willful disclosure of confidential medical information by a person to whom it was available in connection with his/her professional or official duties, where such disclosure caused any grave consequences, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term up to 240 hours, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or correctional labor for a term up to two years.

Chapter III.

CRIMINAL OFFENSES AGAINST LIBERTY, HONOR AND DIGNITY OF A PERSON

Article 146. Illegal confinement or abduction of a person

1. Illegal confinement or abduction of a person, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same acts committed in regard of a minor, or for mercenary purposes, or in regard of two or more persons, or by a group of persons upon their prior conspiracy, or by a method dangerous to the victim's life or health, or causing bodily suffering to him or her, or with the use of weapons, or within a lasting period of time, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, where committed by an organized group, or where they caused any grave consequences, -

shall be punishable by imprisonment for a term of five to ten years.

Article 147. Hostage taking

1. Taking or holding a person as a hostage with the intent to induce relatives of the hostage, any government agency or other institution, business or organization, any natural person or any official to make or refrain from any action as a condition for release of the hostage

shall be punishable by imprisonment for a term of five to eight years.

2. The same acts committed in respect of a minor, or by an organized group, or accompanied

with threats to destroy people, or causing any grave consequences, -
shall be punishable by imprisonment for a term of seven to fifteen years.

Article 148. Substitution of a child

Substitution of a anybody else's child based on mercenary or other personal motives, -
shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

Article 149. Trafficking in human beings and other illegal transfer deals in respect of a human being

1. Sale, or any other illegal deals with regard to a person, as well as entrapment, movement, concealment, or transfer of that person for the purpose of exploitation, involving deceit, blackmail or vulnerable state of a person, -

shall be punishable by imprisonment for a term of three to eight years.

2. The same actions committed in respect of a minor, or several persons, or repeated, or committed by a group of persons upon their prior conspiracy, or through abuse of office, or by a person on whom the victim was financially or otherwise dependent, or involving violence that, however, poses no threat to life or health of the victim or his/her relatives, or accompanied with threat to use violence, -

shall be punishable by imprisonment for a term of five to twelve years, with or without the forfeiture of property.

3. Any such actions as provided for by paragraphs 1 and 2 of this Article, where committed by an organized group, or involving violence which poses threat to life or health of a victim or his/her relatives, or accompanied with threat to use violence, or where these actions caused any grave consequences, -

shall be punishable by imprisonment for a term of eight to fifteen years with or without the forfeiture of property.

Note. 1. Exploitation of human being in this article are considered all forms of the sexual exploitation, in the porn industry, forced labour or forced servicing, servitude or usages similar to servitude, forced conditions, attraction into the kabala, organs' extraction, to experiment on a person without its consent, adoption with the purpose of gain, forced pregnancy, involving into criminal activity, using in armed conflicts, etc.

2. In Articles 149 and 303 of this Code a susceptible state of a person shall mean the state of a person caused by physical or mental properties or external circumstances, that eliminates or limits its ability to realize its actions (inaction) or to control them, to take independent decisions, to resist the violent or other unlawful actions, the coincidence of difficult personal, family or other circumstances.

3. Responsibility for impressment, relocation, concealing, transferring or receiving a young or minor under this Article shall occur notwithstanding whether such actions were committed with use of deception, blackmail or susceptible state of the said persons, or with the use of threat to use violence, or use of official position, or by person on whom the victim was materially or other dependent.

(Article 149 as amended by Law No 3316-IV (3316-15) of 01/12/2006)

Article 150. Exploitation of children

1. Exploitation of children, who are under legally employable age, by way of profit-seeking employment, -

shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions committed in regard of several children, or where they caused significant harm to health, physical development or educational level of a child, or accompanied with the use of children labor in hazardous production, -

shall be punishable by imprisonment for a term of two to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 150-1. The use of a minor for begging

1. The use by parents or persons substituting them, of a minor for begging (systematic wheedling of money, goods, other inventories from strangers) with purpose of profit, -

shall be punishable by restrain of liberty for a term of three years or imprisonment for the same period.

2. The same actions committed in regard of a strange minor or associated with violence or threat of its use, as well as committed repeatedly or by a person who had previously committed one of the crimes under Articles 150, 303, 304 of this Code, or upon prior conspiracy of a group of persons, -

shall be punishable by restrain of liberty for a term of five years or imprisonment for a term of three to eight years.

2. Actions provided for by paragraphs 1 and 2 of this article, committed by an organized group, or if moderate or serious bodily damage was caused in consequence of such actions, -

shall be punishable with imprisonment for a term of five to ten years.
(This Code is supplemented by the Article 150-1 by Law No 894-VI (894-17) of 01.15.2009)

Article 151. Illegal placement of a person in a mental institution

1. Placement of a person, known to be mentally sane, in a mental institution, -

shall be punishable by arrest for a term of three to six months, or restraint of liberty for a term up to two years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same act that caused any grave consequences, -

shall be punishable by imprisonment for a term of two to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Chapter IV.

CRIMES AGAINST SEXUAL FREEDOM AND SEXUAL INVIOABILITY OF A PERSON

Article 152. Rape

1. Rape, that is sexual intercourse combined with violence, threats of violence, or committed by taking advantage of the victim's helpless condition, -

shall be punishable by imprisonment for a term of three to five years.

2. Rape, where it was repeated, or committed by a person who previously committed any of the offenses provided for by Articles 153 to 155 of this Code, -

shall be punishable by imprisonment for a term of five to ten years.

3. Rape committed by a group of persons, or rape of a minor, -

shall be punishable by imprisonment for a term of seven to twelve years.

4. Rape which caused any grave consequences, and also rape of a young child, -

shall be punishable by imprisonment for a term of ten to fifteen years.

(Article 152 as amended by Law No 2295-VI (2295-17) of 01.06.2010)

Article 153. Violent unnatural gratification of sexual desire

1. Violent unnatural gratification of sexual desire combined with physical violence, or threats of violence, or committed by taking advantage of the victim's helpless condition, -

shall be punishable by imprisonment for a term up to five years.

2. The same act, if repeated, or committed by a group of persons, or by a person who previously committed any of the offenses provided for by Articles 152 or 154 of this Code, and also committed in regard of a minor, -

shall be punishable by imprisonment for a term of three to seven years.

3. The same act committed in regard of a young child, where it caused especially grave consequences, -

shall be punishable by imprisonment for a term of ten to fifteen years.

(Article 153 as amended by Laws No 2276-IV (2276-15) of 21.12.2004, No 2295-VI (2295-17) of 01.06.2010)

Article 154. Compulsion to sexual intercourse

1. Compulsion of a female or male to natural or unnatural sexual intercourse by a person on whom such female or male is financially or officially dependent, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months.

2. The same actions accompanied with threats to destroy, damage or seize property of the victim or his/her close relatives, or to disclose information defaming the victim or his/her close relatives, -

shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up

to three years.

Article 155. Sexual intercourse with a sexually immature person

1. Sexual intercourse with a sexually immature person, -

shall be punishable by restraint of liberty for a term up to five years or imprisonment for the same term. (Item 2 of paragraph 1 of Article 155 in version of Law No 600-VI (600-17) of 25.09.2008)

2. The same actions committed by a parent, step parent, foster parent or guardian, or any person imposed by a duty of upbringing or taking care of a sexually immature person, or where they caused sterility or other grave consequences, -

shall be punishable by imprisonment for a term of five to eight years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Paragraph 2 of Article 155 in version of Law No 600-VI (600-17) of 25.09.2008)

Article 156. Debauchery of minors

1. Debauched actions committed in regard of a person under 16 years of age, -

shall be punishable restraint of liberty for a term up to five years, or imprisonment for the same term. (Item 2 of paragraph 1 of Article 156 in version of Law No 600-VI (600-17) of 25.09.2008)

2. The same actions committed in regard of a young child, or by a parent or surrogate parent, step parent, foster parent or guardian, or any person imposed by a duty of upbringing or taking care of a sexually immature person, -

shall be punishable imprisonment for a term or five to eight years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Paragraph 2 of Article 156 in version of Law No 600-VI (600-17) of 25.09.2008).

Chapter V.

CRIMINAL OFFENSES AGAINST ELECTORAL, LABOR AND OTHER PERSONAL RIGHTS AND FREEDOMS OF THE HUMAN BEING AND THE CITIZEN

Article 157. Preclusion of the right to vote, or the right to take part in a referendum, the work of an election committee or referendum committee, or activities as an official observer

1. Preclusion of a citizen from free exercise of the right to vote, or the right to take part in a referendum, preclusion of activities of other parties of the election process, an initiative group to conduct a referendum, referendum committee, member of an election committee, member of an initiative group to conduct a referendum, member of a referendum committee, or an official observer while fulfilling their duties, accompanied by bribery, deception or coercion, as well as evading from fulfilling the duties imposed on a member of an election committee without any sufficient reason, -

shall be punishable by a fine of 300 to 500 tax-free minimum incomes, or restraint of liberty for a term of three to two years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions accompanied by violence, destruction of or damage to property, threat to apply violence or destroy or damage property, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3 Any such acts as provided for by paragraph 1 or 2 of this Article, committed by a group of persons upon their prior conspiracy, or by a member of election committee or any other official through abuse of authority or office, -

shall be punishable by restraint of liberty for a term of two to five years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

4. The interference of the official using its official status of the implementation of the election committee or referendum committee their powers established by law, committed by illegal requirement or indication with purpose to influence decisions of the election committee or referendum committee, -

shall be punishable by a fine of five hundred to one thousand tax-free minimum incomes, or imprisonment for a term of two to five years, with deprivation of the right to occupy certain positions or engage in certain activities for a period of two to three years.

(Article 157 as amended by Law No 3504-IV (3504-15) of 02.23.2006, as amended by Law No 270-VI (270-17) of 15.04.2008, No 1616-VI (1616-17) of 8/21/2009)

Article 158. Forgery of election documents, referendum documents or falsification of election returns, providing false information to the authority of the State register of voters or falsification of information of the State Register of voters

1. Illegal manufacture, storage or use of knowingly illegally made election ballots, absentee ballot blanks, ballots for voting in a referendum, -

shall be punishable by a fine of two hundred to four hundred tax-free minimum income or correctional labor up to two years, or restraint of liberty for up to three years, or imprisonment for the same term with deprivation of the right to occupy certain positions or engage in certain activities for a period of one to three years.

2. Forgery of electoral documents, documents of the referendum, and as well as the use of knowingly falsified election documents, referendum documents, committed by member of the electoral commission, referendum commission, by the candidate, his authorized representative, authorized person of the political party (bloc), a member of referendum initiative group, -

shall be punishable by a fine of three hundred to six hundred tax-free minimum incomes or restraint of liberty for a term of one to four years, or imprisonment for the same term with deprivation of the right to occupy certain positions or engage in certain activities for a period of one to three years.

3. Forgery of electoral documents, documents of the referendum, as well as the use of knowingly falsified election documents, referendum documents, committed member of the electoral commission, referendum commission, the candidate, his authorized representative, authorized person of the political party (bloc), a member of the referendum initiative group, which influenced the election returns at a polling station or within the electoral district, or has led to the impossibility to define the expression of voters at a polling station or in the

relevant election (Referendum), –

shall be punishable by restraint of liberty for a term of three to five years or imprisonment for the same term with the deprivation of the right occupy certain positions or engage in certain activities for a period of one to three years.

4. Illegal transfer to the other person of ballot by voter, –

shall be punishable by restraint of liberty for a term of one to three years or imprisonment for the same term with the deprivation of the right occupy certain positions or engage in certain activities for a period of one to three years.

5. Stealing or hiding the ballot, ballot for voting in a referendum or election protocol or protocol of the referendum commission or ballot boxes with illegal damage or destruction of ballot boxes, –

shall be punishable by a fine of two hundred to four hundred tax-free minimum incomes or restraint of liberty up to two years, with deprivation of the right to occupy certain positions or engage in certain activities for up to two years.

6. Stealing or hiding the ballot, ballot for voting in a referendum or election protocol or protocol of the referendum commission or ballot boxes with illegal damage or destruction of ballot boxes, which affected the results of voting at the polling place or within constituency, or led to the impossibility to define the will of the voters at the polling station or in the respective elections (referendum), –

shall be punishable by a fine of up to four hundred tax-free minimum income or restraint of liberty for up to five years, or imprisonment for the same term, with deprivation of the right to occupy certain positions or engage in certain activities for a period of two to three years.

7. Signing the protocol or protocol of the election referendum commission before the final vote count or determination of voting results or inclusion of unrecorded election ballots or ballots for voting in a referendum to the ballots used when voting, or substitution of real ballots with marked by voters or citizens who have right to participate in the referendum, or unlawful change of the protocol after its filling, or theft or concealment of the ballot, ballot for voting in referendum, election protocol or protocol of the referendum commission or ballot box with, or unlawful destruction or deterioration of the ballot box, which led to the impossibility to determine the will of voters or to establish the referendum results, committed by member of the electoral commission, referendum commission, –

shall be punishable by a fine of seven hundred to a thousand tax-free minimum incomes or restraint of liberty for a term of three to five years, or imprisonment for a term of three to six years, with deprivation of the right to occupy certain positions or engage in certain activities for a term of two to three years.

8. Intentional providing by member of election commission or referendum commission to the citizen the possibility to vote for another person or vote more than once during the voting or giving ballot paper or ballot for voting in the referendum to a person who is not included in the list of voters (people who have right to participate in the referendum) in the respective polling station (section of the referendum), or providing the voter with filled ballot (ballot for voting in a referendum), –

shall be punishable by restraint of liberty for a term of three to five years or imprisonment for a term of three to six years, with deprivation of the right to occupy certain positions or

engage in certain activities for a period of two to three years.

9. Intentional providing of false information to the Authority of State Register of Voters, – shall be punishable by a fine of fifty to two hundred tax-free minimum incomes.

10. The action provided for in paragraph 9 of this article committed by official using official position, as well as order of inclusion of false information to database of the State Voter Register, issued by an official of the Authority of the State Register of voters, –

shall be punishable by a fine of up to four hundred tax-free minimum incomes or restraint of liberty for up to five years, or imprisonment up to three years, with deprivation of the right to occupy certain positions or engage in certain activities for a term of one to three years.

11. Intentional insertion of untruthful information to the database of the state register of voters, unauthorized actions with the information contained in the database of the state register of voters or other unauthorized interference in the work of the state register of voters committed by a person who is entitled to access the information, or any other person through unauthorized access to database of the state register of voters, –

shall be punishable by a fine of six hundred to one thousand tax-free minimum incomes, or restraint of liberty for a term of two to five years, or imprisonment up to three years, with deprivation of the right to occupy certain positions or engage in certain activities for a period of one to three years and with seizure software and hardware, with which was committed an unauthorized interference, which are the property of the guilty person.

12. Actions provided for in parts ninth - eleventh of this article, that have influenced the results of voting at polling station or within the electoral district, or led to impossible to determine the will of the voters at the polling station or in the respective elections, and committed by prior agreement of group of persons, –

shall be punishable by restraint of liberty for a term of three to five years or imprisonment for a term of three to six years, with deprivation of the right to occupy certain positions or engage in certain activities for a period of two to three years and with seizure software and hardware, with which was committed an unauthorized interference, which are the property of the guilty person.

(Article 158 as amended by Law No 744-IV (744-15) of 15.05.2003, in version of Law No 3504-IV (3504-15) 23.02.2006, as amended by Law No 698-V (698-16) of 22.02.2007)

Article 158-1. Voting at polling station more than once

1. Voting by the elector participating in elections or referendum at a polling station more than once, –

shall be punishable by a fine of one hundred to three tax-free minimum incomes, or correctional labor up to two years, or restraint of liberty for up to three years.

2. The same action committed by the conspiracy with member of election commission or committee of the referendum, –

shall be punishable by a fine of three hundred to five hundred tax-free minimum incomes, or restraint of liberty for up to three years, or imprisonment for the same period.

(This Code is supplemented by Article 158-1 by Law No 1616-VI (1616-17) of 08.21.2009)

Article 158-2. Illegal destruction of election documentation or referendum documents

1. Illegal destruction of election documents or referendum documents out of the storage period established by law in state archives and in the Central Election Commission of Ukraine after the elections or referendum, as well as damage of election documents or documents of the referendum, –

shall be punishable by restraint of liberty for a term of three to five years or imprisonment for a term of two to four years.

2. The same actions committed by previous conspiracy by a group of persons or by a member of the electoral commission or other officer authorized to use the powers or official position, –

shall be punishable by imprisonment for a term of three to five years with or without the deprivation of the right to occupy certain positions or engage in certain period of up to three years.

(This Code is supplemented by Article by Law No 3169-IV (3169-15) of 01.12.2005)

Article 159. Intentional violation of the secrecy of voting

1. Willful violation of secrecy of voting during the election or referendum, which resulted in disclosure of the will of a citizen who took part in elections or referendum, –

shall be punishable by a fine of one hundred to three tax-free minimum incomes, or correctional labor up to two years, or restraint of liberty for up to three years.

2. The same action committed by a member of the election commission or referendum commission or other officer using his official position, -

shall be punishable by a fine of three hundred to five hundred tax-free minimum incomes, or restraint of liberty for up to three years, or imprisonment for the same period with deprivation of right to occupy certain positions or engage in certain activities for term of one to three years or without it.

(Article 159 as amended by Law No 3504-IV (3504-15) of 23/02/2006)

Article 159-1. Violation of election funding campaign of candidate, political party (block)

1. Provision of financial (material) support in a large amount to hold the electoral campaign of a candidate, political party (bloc) with violation of the procedure established by the law, by transferring of monetary funds or material valuables at no charge basis or at unreasonably low prices, production or distributing of campaign materials, not paid by the election fund or paid from the election fund at unreasonably low rates, or pay for manufacturing or distributing such materials, –

shall be punishable by a fine of one hundred to three tax-free minimum incomes, or correctional labor up to two years, or restraint of liberty for up to two years, or imprisonment for the same period.

2. Intentional use of a large amount of financial (material) support to implement election campaign of a candidate, political party (bloc) by candidate, his authorized representative, proxy trustee of candidate or authorized person with violation of established law, –

shall be punishable by a fine of one hundred to three tax-free minimum incomes, or correctional labor up to two years, or restraint of liberty for up to two years, or

imprisonment for the same period.

3. Actions provided for by parts one or two of this article, committed by a conspiracy by a group of people, –

shall be punishable with imprisonment for a term of five to ten years.

Note. Large amount in this article shall be considered the amount of money, value of property or property benefits of nature more than four hundred minimum wages.
(This Code is supplemented by Article 159-1 by Law No 3504-IV (3504-15) of 23.02.2006)

Article 160. Violation of referendum law

1. Preclusion of a citizen from free exercise of the right to take or not take part in a referendum, or campaign before the referendum, by means of violence, deception, threats, bribery or in any other way, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for a term up to three years.

2. The same actions committed by a member of a referendum committee or any other officer, or by a group of persons upon their prior conspiracy, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for a term up to five years.

3. Fabrication of referendum documents, distortion of records, willful miscount of votes, or violation of the secrecy of ballot committed by a member of a referendum committee or any other officer, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for a term of one to five years.

Article 161. Violation of citizens' equality based on their race, nationality or religious preferences

1. Willful actions inciting national, racial or religious enmity and hatred, humiliation of national honor and dignity, or the insult of citizens' feelings in respect to their religious convictions, and also any direct or indirect restriction of rights, or granting direct or indirect privileges to citizens based on race, color of skin, political, religious and other convictions, sex, ethnic and social origin, property status, place of residence, linguistic or other characteristics, -

shall be punishable by a fine of 200 to 500 tax-free minimum incomes, or restraint of liberty for a term up to five years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions accompanied with violence, deception or threats, and also committed by an official, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or restraint of liberty for a term of two to five years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if committed by an

organized group of persons, or where they caused grave consequences, -

shall be punishable by imprisonment for a term of five to eight years.
(Article 161 in version of Law No 1707-VI (1707-17) of 05.11.2009)

Article 162. Violation of security of residence

1. Unlawful entry into residence or any other property of a person, or unlawful examination or search thereof, and also unlawful eviction or any other actions that violate the security of a citizen's residence, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

2. The same actions committed by an official, or accompanied with violence or threats of violence, -

shall be punishable by imprisonment for a term of two to five years.

Article 163. Violation of privacy of mail, telephone conversations, telegraph and other correspondence conveyed by means of communication or via computers

1. Violation of privacy of mail, telephone conversations, telegraph and other correspondence conveyed by means of communication or via computers,

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or correctional labor for a term up to two year, or restraint of liberty for a term up to three years.

2. The same actions committed in respect of statesmen or public figures, by an official, or by use of special devices for secret reading of information, -

shall be punishable by imprisonment for a term of three to seven years.

Article 164. Failure to pay alimony for support of children

1. Persistent failure to pay contributions (alimony) for support of children, as prescribed by a court order, and also parents' persistent failure to support dependent minors or children unable to work, -

shall be punishable by a fine of 100 to 200 free-tax incomes, or community service for a term of 80 to 120 hours, or correctional labor for a term up to one year, or restraint of liberty for a term up to two years.

2. The same act committed by a person previously convicted of the offense created by this Article, -

shall be punishable by community service for a term of 120 to 240 hours, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

(Article 164 as amended by Laws No 2456-IV (2456-15) of 03.03.2005, No 270-VI (270-17) of 15.04.2008)

Article 165. Failure to pay contributions for support of parents unable to work

1. Persistent failure to pay contributions, as prescribed by a court order, for support of parents who are unable to work, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or community service for a term of 80 to 120 hours, or correctional labor for a term up to one year, or restraint of liberty for a term up to two years.

2. The same act committed by a person previously convicted of the offense created by this Article, -

shall be punishable by community service for a term of 120 to 240 hours, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years.
(Article 165 as amended by Laws No 2456-IV (2456-15) of 03.03.2005, No 270-VI (270-17) of 15.04.2008)

Article 166. Persistent failure to perform duties related to the care of a child or a person under guardianship or in the custody

1. Persistent failure of parents, guardians or custodians to perform their duties established by law and related to the care of a child or a person under guardianship or in the custody, where it caused any grave consequences, -

shall be punishable by restraint of liberty for a term of two to five years, or imprisonment for the same term.

Article 167. Abuse of the rights of guardian

Abuse of guardianship or custody for mercenary purposes and to the detriment of the ward (unlawful occupation of residence, use of property, etc.);

shall be punishable by a fine of 100 to 300 free-tax minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term. (Item 2 of Article 167 in version of Law No 2556-VI (2556-17) of 23.09.2010)

Article 168. Disclosure of the secrecy of adoption

1. Disclosure of the secrecy of adoption against the will of an adopter, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term up to 240 hours, or correctional labor for a term up to two years.

2. The same act committed by an official or employee of a medical institution who had the information on adoption available by virtue of office or employment, or where it caused any grave consequences, -

shall be punishable by a fine up to 200 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 168 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 169. Unlawful actions for the purpose of adoption

1. Unlawful mediation or other unlawful actions for the purpose of adoption or placement of a child under guardianship (or in the custody) or under foster care, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term. (Item 2 of paragraph 1 of Article 169 in version of Law No 1452-VI (1452-17)

of 04.06.2009)

2. The same actions committed in regard of several children, or repeated, or committed by a group of persons upon their prior conspiracy, or through abuse of office, or where they caused any grave consequences, -

shall be punishable by imprisonment for a term of three to five years. (Item 2 of paragraph 2 of Article 169 in version of Law No 1452-VI (1452-17) of 04.06.2009) (Article 169 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 170. Preclusion of legal activities of labor unions, political parties, and non-governmental organizations

Willful preclusion of legal activities of labor unions, political parties, and non-governmental organizations or their organs, -

shall be punishable by correctional labor for a term up to two years, or imprisonment for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 171. Preclusion of legal professional activities of journalists

1. Willful preclusion of legal professional activities of journalists, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

2. Persecution of a journalist for the performance of professional duties and criticism, by an official, or a group of persons upon their prior conspiracy, -

shall be punishable by a fine up to 200 tax-free minimum incomes, or restraint of liberty for a term up to five years, or deprivation of the right to occupy certain positions for a term up to three years.

Article 172. Gross violation of labor law

1. Unlawful dismissal of an employee for personal reasons, and also any other gross violation of labor law, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or correctional labor for a term up to two years.

2. The same actions committed in regard of a minor, or a pregnant woman, or a mother with a child under 14 years of age or a disabled child, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or correctional labor of a term up to two years, or arrest for a term up to six months.

Article 173. Gross violation of an employment contract

1. Any gross violation of an employment contract by any official of an enterprise, institution or organization regardless of their type of ownership, and also by a private person, or their authorized agent, causing a person, by deceit, breach of trust or coercion, to perform any

work not provided for in the contract, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or arrest for a term up to six months, or restraint of liberty for a term up to two years.

2. The same actions committed in regard of a citizen who was contracted to work outside Ukraine, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or restraint of liberty for a term up to three years.

Article 174. Compulsion to participate in a strike or preclusion from participation in a strike

Compulsion to participate in a strike or preclusion from participation in a strike, by violence or threats of violence or any other unlawful actions, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term of 100 to 240 hours, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

(Article 174 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 175. Failure to pay salary, scholarship, pension or any other statutory payments

1. Groundless failure of a manager of an enterprise, institution or organization regardless of their type of ownership, to pay salary, scholarship, pension, or any other statutory payment within a period over one month, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or correctional labor of a term up to two years, or imprisonment for a term up to two years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Paragraph 1 of Article 175 in version of Law No 1027-VI (1027-17) of 19.02.2009)

2. The same action committed due to misuse of funds earmarked for salaries, scholarships, pensions, or any other statutory payments, -

shall be punishable by a fine of 1000 to 1500 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for a term up to five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years. (Item 2 of paragraph 2 of Article 175 in version of Law No 1027-VI (1027-17) of 19.02.2009)

3. A person shall be discharged from criminal liability, if he/she paid to citizens salaries, scholarships, pensions, or any other statutory payments before he/she is criminally prosecuted.

Article 176. Violation of copyright and allied rights

1. Illegal reproduction or distribution of scientific, literary, or art works, computer software or databases, and also illegal reproduction, distribution of performances, phonograms and broadcast programs, making their illegal copies and distribution on audio and video tapes, disks, and other media, or other violation of copyright and allied rights, where such actions caused a significant pecuniary loss, -

shall be punishable by a fine of 200 to 1000 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for the same term, with the forfeiture and destruction of all copies of works, material media with computer software, databases, performances, phonograms, broadcast programs, and the equipment and material designated for their production and reproduction.

2. The same actions, if repeated or upon their prior conspiracy of a group of persons, or where they caused a gross pecuniary loss, -

shall be punishable by a fine of 1000 to 2000 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for a term of two to five years, with the forfeiture and destruction of all copies of works, material media with computer software, databases, performances, phonograms, broadcast programs, and the equipment and material designated for their production and reproduction.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, where committed by an official through abuse of office or by organized group of persons, or where they caused a especially gross pecuniary loss, -

shall be punishable by a fine of 2000 to 3000 tax-free minimum incomes, or imprisonment for a term of three to six years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, and with the forfeiture and destruction of all copies of works, material media with computer software, databases, performances, phonograms, broadcast programs, and the equipment and material designated for their production and reproduction.

Note: A pecuniary loss shall be deemed as significant under Articles 176 and 177 of this Code, if its amount exceeds 20 tax-free minimum incomes, a gross pecuniary loss is caused where its amount exceeds 200 tax-free minimum incomes, and especially gross pecuniary loss is caused where its amount exceeds 1000 tax-free minimum incomes.

(Article 176 in version of Law No 850-IV (850-15) of 22.05.2003; as amended by Laws No 3423-IV (3423-15) of 09.02.2006, No 1111-V (1111-16) of 31.05.2007)

Article 177. Violation of the rights to invention, utility model, industrial design, topography of microelectronic integrated circuits, a variety of plants, innovative proposals

1. Illegal use of an invention, utility model, industrial design, topography of microelectronic integrated circuits, a variety of plants, innovative proposals, usurpation of authorship for them, or violation of other rights in relation to these objects, where such actions caused a significant pecuniary loss, -

shall be punishable by a fine of 200 to 1000 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for the same term, with the forfeiture and destruction of illegally made products and the equipment and material designated for their production.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy or where they caused a gross pecuniary loss, -

shall be punishable by a fine of 1000 to 2000 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for a term of two to five years, with the forfeiture and destruction of illegally made products and the equipment and material designated for their production.

3. Actions specified in paragraph 1 and 2 of this Article, committed by an official through

abuse of office or by organized group of persons, or where they caused a especially gross pecuniary loss,

shall be punishable by a fine of 2000 to 3000 tax-free minimum incomes, or imprisonment for a term of three to six years, with or without deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, and with the forfeiture and destruction of illegally made products and the equipment and material designated for their production.

(Article 177 in version of Law No 850-IV (850-15) of 22.05.2003; as amended by Laws No 3423-IV (3423-15) of 09.02.2006, No 1111-V (1111-16) of 31.05.2007)

Article 178. Damage of religious architecture or houses of worship

Damage or destruction of a religious architecture or a house of worship, -

shall be punishable by a fine up to 300 tax-free minimum incomes, or community service for a term of 60 to 240 hours, or arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment for the same term.

(Article 178 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 179. Illegal retention, desecration or destruction of religious sanctities

Illegal retention, desecration or destruction of religious sanctities, -

shall be punishable by a fine up to 200 tax-free minimum incomes, or community service for a term of 60 to 240 hours, or arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment for the same term.

(Article 179 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 180. Preclusion of religious ceremonies

1. Illegal preclusion of religious ceremonies, where it frustrated or was likely to frustrate a religious ceremony, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term of 120 to 240 hours, or arrest for a term up to six months, or restraint of liberty for a term up to two years.

2. Forcing a clergyman, by violence or psychological pressure, into officiation, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months.

(Article 179 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 181. Trespass against health of persons under pretence of preaching or ministering

1. Organizing or leading a group, which operates under pretence of preaching or ministering accompanied with the impairment of health of people or sexual dissipation, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same actions accompanied with involvement of minors in activities of the group, -

shall be punishable by imprisonment of three to five years.

Article 182. Violation of personal privacy

Illegal collection, storage, use or dissemination of confidential information about a person without his/her consent, or dissemination of such information in a public speech, publicly demonstrated work, or mass media, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

Article 183. Violation of the right to education

1. Unlawful refusal to admit a person to an educational institution of any type of ownership, -

shall be punishable by a fine up to 1000 tax-free minimum incomes, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Unlawful request to pay for tuition in public or community educational institutions, -

shall be punishable by a fine up to 1000 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years. (Article 183 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 184. Violation of the right to free medical assistance

1. Unlawful request to pay for medical assistance in public or community health care institutions, -

shall be punishable by a fine up to 100 tax-free minimum incomes, or arrest for a term up to six months.

2. Illegitimate reduction of the network of public or community health care institutions, -

shall be punishable by a fine up to 1000 tax-free minimum incomes, or correctional labor for a term up to two years.

Chapter VI.
CRIMINAL OFFENSES AGAINST PROPERTY

Article 185. Theft

1. A covert stealing of somebody else's property (theft), -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or community service for a term of 80 to 240 hours, or correctional labor for a term up to two years, or arrest for a term up to six months, or imprisonment for a term up to three years. (Item 2 of paragraph 1 of Article 185 as amended by Law No 1449-VI (1449-17) of 04.06.2009)

2. Theft, if repeated or committed by a group of persons upon their prior conspiracy, -

shall be punishable by arrest for a term of three to six months, or restraint of liberty for a term up to five years, or imprisonment for the same term.

3. Theft accompanied with unlawful breaking into a residence or any other premises or shelter, or where it caused a significant damage to the victim, -

shall be punishable by imprisonment for a term of three to six years.

4. Theft committed in respect of a gross amount, -

shall be punishable by imprisonment for a term of five to eight years.

5. Theft committed in respect of an especially gross amount or by an organized group, -

shall be punishable by imprisonment for a term of seven to twelve years with the forfeiture of property.

Note: 1. In Articles 185, 186, and 189 through 191, a criminal offense is held to be repeated, if it was committed by a person who had previously committed any of the offenses provided for by these Articles or Articles 187, 262 of this Code.

2. In Articles 185, 186, 189 and 190 of this Code, significant damage shall be determined by taking into account the property status of the victim, and where the value of the inflicted damage is 100 to 250 tax-free minimum incomes.

3. In Articles 185 through 191, and 194 of this Code, an offense is held to be committed in respect of a gross amount, if it was committed by one person or a group of persons in respect of an amount exceeding 250 tax-free minimum individual income at the time of the offense.

4. In Articles 185 through 187 and 189 through 191, and 194 of this Code, an offense is held to be committed in respect of an especially gross amount, if it was committed by one person or a group of persons in respect of an amount exceeding 600 tax-free minimum individual income at the time of the offense.

(Article 185 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 186. Robbery

1. Overt stealing of somebody else's property (burglary), -

shall be punishable by a fine of 50 to 100 tax-free minimums of citizens' income, or community service for a term of 120 to 240 hours, or correctional labor for a term up to two years, or arrest for a term up to six months, or imprisonment for a term up to four years.

2. Burglary accompanied with violence that was not dangerous to the victim's life or health, or with threats of violence, or repeated, or committed by a group of persons upon their prior conspiracy, -

shall be punishable by imprisonment for a term of four to six years.

3. Burglary accompanied with breaking into a residence, other premises or shelter, or which caused a significant damage to the victim, -

shall be punishable by imprisonment for a term of four to eight years.

4. Burglary committed in respect of a gross amount, -

shall be punishable by imprisonment for a term of seven to ten years.

5. Burglary committed in respect of an especially gross amount, or by an organized group, - shall be punishable by imprisonment for a term of eight to thirteen years with the forfeiture of property.

(Article 186 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 187. Brigandism

1. An assault for the purpose of taking possession of somebody else's property, accompanied with violence dangerous to life and health of an assaulted person, or with threats of such violence (brigandism), -

shall be punishable by imprisonment for a term of three to seven years.

2. Brigandism committed by a group of persons upon their prior conspiracy, or by a person who had previously committed an act of brigandism or gangsterism, -

shall be punishable by imprisonment for a term of seven to ten years with the forfeiture of property.

3. Brigandism accompanied with breaking into a residence, other premises or shelter, -

shall be punishable by imprisonment for a term of seven to twelve years with the forfeiture of property.

4. Brigandism in respect of gross and especially gross amounts, or committed by an organized group, or accompanied with infliction of grievous bodily injury, -

shall be punishable by imprisonment for a term of eight to fifteen years with the forfeiture of property.

(Article 188 is excluded by Law No 270-VI (270-17) of 4.15.2008)

Article 188-1. Theft of electrical or thermal energy through its unauthorized use

1. Theft of electrical or thermal energy through its unauthorized use without metering (if use of metering is required) or by intentional damage of meter instruments or in any other manner, if such actions caused considerable damage, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

2. The same actions committed repeatedly or upon prior conspiracy of a group of persons, or if they caused damage in large amounts, -

shall be punishable by imprisonment for a term up to three years.

Note. Damage, under this Article, shall be deemed as significant if it equals or exceeds 100 tax-free minimum incomes, and large if it equals or exceeds 250 tax-free minimum incomes.

(This Code is supplemented by Article 188-1 by Law No 2598-IV (2598-15) of 31.05.2005)

Article 189. Extortion

1. Demand to transfer somebody else's property or property title, or any other acts in respect of property under threats of violence against the victim or his/her close relatives, or

restriction of their rights, freedoms or lawful interests, or damage or destruction of their property or the property entrusted to them or placed into their custody, or disclosure of information that the victim or his close relatives would like to keep secret (extortion), -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

2. Extortion, if repeated, or committed by a group of persons upon their prior conspiracy, or by an official through abuse of office, or a threat to kill or inflict bodily injury, or accompanied with endamage or destruction of property, or where it caused significant damages to the victim, -

shall be punishable by imprisonment for a term of three to seven years.

3. Extortion accompanied with violence dangerous to life or health of a person, or where it caused property damage in gross amount, -

shall be punishable by imprisonment for a term of five to ten years with the forfeiture of property.

4. Extortion that caused property damage in especially gross amount, or committed by an organized group, or accompanied with infliction of grievous bodily injury, -

shall be punishable by imprisonment for a term of seven to twelve years with the forfeiture of property.

Article 190. Fraud

1. Taking possession of somebody else's property or obtaining the property title by deceit or breach of confidence (fraud), -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term up to 240 hours, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

2. Fraud, if repeated, or committed by a group of persons upon their prior conspiracy, or where it caused a significant damages to the victim, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or correctional labor for a term of one to two years, or restraint of liberty for a term up to five years, or imprisonment for a term up to three years.

3. Fraud committed in respect of a gross amount or by unlawful operations involving computerized equipment, -

shall be punishable by imprisonment for a term of three to eight years.

4. Fraud committed in respect of an especially gross amount, or by an organized group, -

shall be punishable by imprisonment for a term of five to twelve years with forfeiture of property.

(Article 190 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 191. Misappropriation, embezzlement or conversion or property by malversation

1. Misappropriation or embezzlement of somebody else's property by a person to whom it

was entrusted, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to four years, or imprisonment for a term up to four years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Misappropriation, embezzlement or conversion of property by malversation -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if repeated or committed by a group of person upon their prior conspiracy, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for a term of three to eight years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

4. Any such actions as provided for by paragraphs 1, 2 or 3 of this Article, if committed in respect of a gross amount, -

shall be punishable by imprisonment for a term of five to eight years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

5. Any such actions as provided for by paragraphs 1, 2, 3 or 4 of this Article, if committed in respect of an especially gross amount, or by an organized group, -

shall be punishable by imprisonment for a term of seven to twelve years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of property.

Article 192. Infliction of property damage by deceit or breach of confidence

1. Infliction of significant property damage by deceit or breach of confidence but without elements of fraud, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term up to 240 hours, or correctional labor for a term up to two years, or arrest for a term up to six months.

2. The same actions committed by a group of persons upon their prior conspiracy, or where these actions caused property damage in respect of a gross amount, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or restraint of liberty for a term up to three years.

Note: For the purposes of this Article, property damage is held to be significant where it exceeded 50 tax-free minimum incomes, and is held to be inflicted in respect of a gross amount where it exceeded 100 tax-free minimum incomes.

(Article 192 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 193. Appropriation of found property or somebody else's property that a

accidentally occurred to be in possession of a person

1. Appropriation of found property or somebody else's property that a accidentally occurred to be in possession of a person and has a special historic, scientific, artistic or cultural value, and also of a treasure trove, -

shall be punishable by a fine of 100 to 150 tax-free minimum incomes, or community service for a term up to 240 hours, or correctional labor for a term up to two years, or arrest for a term up to six months.

(Article 193 in version of Law No 270-VI (270-17) of 15.04.2008; as amended by Law No 2518-VI (2518-17) of 09.09.2010)

Article 194. Willful destruction or endamagement of property

1. Willful destruction or endamagement of somebody else's property, where it caused gross damage, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term of 120 to 240 hours, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same act committed by way of setting fire, explosion or by any other generally dangerous method, or where it caused an especially gross damage to property, or death of people, or any other grave consequences, -

shall be punishable by imprisonment for a term of three to ten years.

(Article 194 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 194-1. Intentional damage to energy facilities

1. Willful damage to or destruction of electric power engineering sites, if these actions have affected or could affect normal operation of these facilities, or caused danger to human life, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same actions committed repeatedly or upon prior conspiracy of a group of persons or by dangerous means -

shall be punishable by imprisonment for a term of three to ten years.

3. Acts provided for by paragraphs 1 and 2 of this article, if they caused loss of life or other grave consequences, -

shall be punishable by imprisonment for a term of eight to fifteen years.

(This Code is supplemented by Article 194-1 by Law No 2598-IV (2598-15) of 31.05.2005, as amended by Law No 270-VI (270-17) of 4.15.2008)

Article 195. Threats to destroy property

Threats of destroy somebody else's property by way of setting fire, explosion or by any other generally dangerous method, where reasonable grounds existed to believe that the threats may be fulfilled, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term of 60 to 120 hours, or correctional labor for a term up to one year, or arrest for a term up to six months.

(Article 195 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 196. Negligent destruction or endamagement of property

Negligent destruction or endamagement of somebody else's property, where it caused grievous bodily injuries or death of people, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for the same term.

(Article 196 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 197. Breach of duty to protect property

Failure to comply with duties or improper performance of duties by a person to whom somebody else's property was entrusted or in whose custody it was placed, where it caused grave consequences for the owner of the property, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term of 120 to 240 hours, or correctional labor for a term up to two years, or imprisonment for the same term.

(Article 197 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 197-1. Unauthorized occupation of land and unauthorized construction

1. Unauthorized occupation of land, which caused significant damage to its rightful owner or holder, -

shall be punishable by a fine of 200 to 300 tax-free minimum incomes, or arrest for a term up to six months.

2. Unauthorized occupation of land, committed by a person previously convicted of a crime upon this Article, or group people, or plots from especially valuable lands, lands in protected zones, zones of sanitary protection, health and safety zones or areas of special use, -

shall be punishable by restraint of liberty for a term of two to four years or imprisonment for a term up to two years.

3. Unauthorized construction of buildings or structures on arbitrarily occupied land area indicated in paragraph 1 of this Article, -

shall be punishable by a fine of 300 to 500 tax-free minimum incomes, or arrest for a term up to six months or imprisonment for a term up to three years.

4. Unauthorized construction of buildings or structures on arbitrarily occupied land area indicated in the second part of this article, or committed by a person previously convicted of the same crime or of a crime provided for by paragraph 3 of this Article, -

shall be punishable by imprisonment for a term of one to three years.

Note. According to this article damage provided for by paragraph 1 of this Article shall be deemed as significant if it equals or exceeds 100 tax-free minimum incomes of citizens.
(This Code is supplemented by Article 197-1 by Law No 578-V (578-16) of 11.01.2007)

Article 198. Acquisition or sale of property known to be proceeds from crime

Purchase of acquisition, storage or sale of property known to be proceeds from crime, where it was not promised in advance, where there is no proof of legalization (laundering) of the incomes known to be proceeds from crime, -

shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment for the same term.

(Article 198 as amended by Law No 430-IV (430-15) of 16.01.2003 – enters into force on 11.06.2003)

**Chapter VII.
ECONOMIC CRIMINAL OFFENSES**

Article 199. Making, storage, purchase, transportation, mailing, or bringing into Ukraine for selling purposes, or sale of counterfeit money, government securities or state lottery tickets

1. Making, storage, purchase, transportation, mailing, or bringing into Ukraine for selling purposes, or sale of counterfeit money, public securities or state lottery tickets of counterfeit Ukrainian currency in the form of soft or hard money, or foreign currency, or government securities, or state lottery tickets, -

shall be punishable by imprisonment for a term of three to seven years.

2. The same actions, if repeated or committed by a group of persons upon their prior conspiracy, or in respect of large amount, -

shall be punishable by imprisonment for a term of five to ten years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if committed by an organized group or in respect of especially large amount, -

shall be punishable by imprisonment of eight to twelve years with forfeiture of property.

Note: Actions provided for by this Article shall be deemed to have been committed in respect of large amount, where the amount of a counterfeit equals or exceeds 200 tax-free minimum incomes, and in respect of extremely large amount, where the amount of a counterfeit equals or exceeds 400 tax-free minimum incomes.

Article 200. Illegal actions in respect of remittance documents, payment cards and other means providing access to bank accounts, and equipment for their production

1. Forgery of remittance documents, payment cards and other means providing access to bank accounts, and also purchase, storage, transportation or sending for selling purposes of counterfeit remittance documents or payment cards, or their use or sale, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same actions, if repeated or committed by a group of persons upon their prior conspiracy, -

shall be punishable by imprisonment for a term of two to five years.

Note: Remittance documents shall mean any paper or electronic documents used by banks or their clients to transfer remittance orders or information between those involved in

remittance (payment documents, cash remittance documents, documents used for interbank remittance and payment notice, etc.)
(Article 200 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 201. Smuggling

1. Smuggling, that is the movement of goods across the customs border of Ukraine bypassing the customs control or by concealing from the customs control, if committed in respect of large amounts, and also illegal movement of historic and cultural values, poisonous, strong, radioactive or explosive substances, weapons and ammunition (except smoothbore hunting guns and ammunition thereto), special technical means for illegal obtaining of information, and also smuggling of strategically important basic commodities, export of which outside Ukraine is regulated by appropriate rules established by law, -
(Paragraph 1 of Article 201 as amended by Law No 2338-VI (2338-17) of 15.06.2010)

shall be punishable by imprisonment for a term of three to seven years with the forfeiture of smuggled items.

2. The same actions committed by a group of persons upon their prior conspiracy, or by a person previously convicted of the criminal offense under this Article, -

shall be punishable by imprisonment for a term of five to twelve years with the forfeiture of smuggled items and forfeiture of property.

Note: Smuggling of goods is committed in respect of large amounts if the value of such goods equals or exceeds 1000 tax-free minimum incomes.
(Article 201 as amended by Law No 1071-V (1071-16) of 24.05.2007)

Article 202. Violation of business operation and banking procedures

1. Carrying out any activities which comprise elements of business, without state registration of a business entity, or performance of any business operations subject to licensing pursuant to the law without having procured such licenses, or performance of any such business in violation of licensing conditions, where it involved the making of significant profits, -

shall be punishable by a fine of 100 to 250 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for the same term.

2. Carrying out banking activities or banking transactions, or any other activities in connection with providing financial services, and also professional activities in the securities market, without state registration or special permit (license) as prescribed by law, or doing the same in violation of licensing conditions, where it involved the making of significant profits, -

shall be punishable by a fine of 1000 to 3000 tax-free minimum incomes, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Note: Significant profits shall mean the profits amounting to or exceeding 1000 tax-free minimum incomes.
(Article 202 as amended by Law No 801-VI (801-17) of 25.12.2008)

Article 203. Engagement in prohibited business activities

1. Carrying out business activities specifically prohibited by law, except as otherwise provided for by other articles of this Code, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions where they involved making of significant profits or were committed by a person previously convicted for engagement in prohibited business activities, -

shall be punishable by restraint of liberty for a term up to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Note: Significant profits shall mean the profits amounting to or exceeding 1000 tax-free minimum incomes.

Article 203-1. Illicit disks circulation for laser reading systems, matrices, equipment and raw materials for their production

1. Illegal manufacture, export, import, storage, sale and movement of disks for laser reading systems, matrices, equipment and materials for their production, if these actions were taken in large amounts, -

shall be punishable by a fine of 1000 to 5000 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for the same term with the confiscation and destruction of disks for laser reading systems, matrices, equipment or raw materials for their production.

2. The same actions, if committed repeatedly or upon prior conspiracy of a group of people, or taken in large amounts -

shall be punishable by imprisonment for a term of two to five years with confiscation and destruction of disks for laser systems reading, matrices, equipment or raw materials for their production.

Note. Significant amounts shall mean the value of disks for laser reading systems, matrices, equipment or raw materials for their production that equal or exceeds 20 tax-free minimum incomes, large amounts - the value of disks for laser reading systems, matrices, equipment or raw materials for their production, that equals or exceeds 100 tax-free minimum income. (This Code is supplemented by Article 203-1 by Law No 2953-III (2953-14) of 17.01.2002, as amended by Law No 2734-IV (2734-15) of 06.07.2005)

Article 204. Unlawful manufacturing, storage, sale or transportation for selling purposes of excisable goods

1. Unlawful purchase or storage for selling purposes, or sale, or transportation for selling purposes of illegally manufactured alcohol, tobacco or any other excisable goods, -

shall be punishable by a fine of 500 to 1050 tax-free minimum incomes, or restraint of liberty for a term up to three years, with the forfeiture of illegally manufactured goods and manufacturing equipment.

2. Illegal manufacturing of alcohol, tobacco and other excisable goods by establishing clandestine shops or use of equipment for mass production of such goods, or where it was

committed by a person previously convicted under this article, -

shall be punishable by a fine of 1000 to 2000 tax-free minimum incomes, or by imprisonment of 3 to 5 years, with forfeiture of goods so produced and manufacturing equipment.

3. Illegal manufacturing of goods specified in paragraphs 1 and 2 of this Article using raw material of poor quality which pose threat to human life and health, or illegal sale of such products, where it caused poisoning of people or any other grave consequences, -

shall be punishable by imprisonment for a term of five to ten years with forfeiture and destruction of goods so manufactured and forfeiture of manufacturing equipment.

Article 205. Sham business

1. Sham business, that is the establishment or acquisition of businesses entities (legal entities) to cover illegal activities or engage in prohibited types of business, -

shall be punishable by a fine of 300 to 500 tax-free minimum incomes, or restraint of liberty for a term up to three years.

2. The same acts, if repeated or where they caused a significant pecuniary damage to the State, a bank, lending institution, other legal entities or citizens, -

shall be punishable by imprisonment for a term of three to five years.

Note: Pecuniary damage inflicted upon individuals is significant where it equals or exceeds 200 tax-free minimum incomes, whereas pecuniary damage inflicted upon the State or a legal entity is significant where it equals or exceeds 1000 tax-free minimum incomes.

Article 206. Obstruction of legitimate business activity

1. Obstruction of legitimate business activity, that is unlawful demand to discontinue or restrain business operations, make a contract or fail to fulfill a concluded contract, if the fulfillment (or failure to fulfill) of such contract may cause pecuniary damages or derogate legitimate rights or interests of the person involved in business, and where it involves a threat of violence in regard of the victim or his close relatives, or a threat to damage or destroy their property, but is not associated with elements of extortion, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, or combined with a threat of murder or grievous bodily injury, or with violence not dangerous to life and health, or endamage or destruction of property, -

shall be punishable by imprisonment for a term of three to five years.

3. Obstruction of legitimate business activity, if committed by an organized group or by an official through taking advantage of his/her office, or combined with violence dangerous to life or health, or where it caused a significant damage or any other grave consequences, -

shall be punishable by imprisonment for a term of five to ten years.

Note: Pecuniary damage is significant if it equals or exceeds 500 tax-free minimum incomes.

Article 207. Evasion of repatriation of foreign currency proceeds

1. Willful Evasion, by officials of enterprises, institutions and organizations of any ownership status or by unincorporated entrepreneurs, of repatriation to Ukraine, within time limits prescribed law, of any foreign currency proceeds gained from export sale of goods (work, services), or any other material values acquired for such proceeds, and also willful concealment in any manner of such proceeds, goods or other material values, -

shall be punishable by a fine of 600 to 1000 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, and also willful evasion of the repatriation of foreign currency proceeds, or goods or any other material values acquired for such proceeds, and willful concealment in any manner of such proceeds, goods or other material values in respect of large amounts, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment of a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if committed in respect of especially large amounts, -

shall be punishable by imprisonment for a term of two to five years.

Note: 1. Evasion of repatriation of foreign currency proceeds, or goods or any other material values acquired for such proceeds, and the concealment in any manner of such proceeds, goods or other material values is committed in respect of large amounts where the value of such proceeds, or goods or other material values equals or exceeds 1000 tax-free minimum incomes (as calculated in the Ukrainian currency on the basis of the official exchange rate of the national currency established by the National Bank of Ukraine as of the last day of the legally prescribed time limit for the transfer of foreign currency proceeds from abroad).

2. Evasion of repatriation of foreign currency proceeds, or goods or any other material values acquired for such proceeds, and the concealment in any manner of such proceeds, goods or other material values is committed in respect of especially large amounts where the value of such proceeds, or goods or other material values equals or exceeds 3000 tax-free minimum incomes (as calculated in the Ukrainian currency on the basis of the official exchange rate of the national currency established by the National Bank of Ukraine as of the last day of the legally prescribed time limit for the transfer of foreign currency proceeds from abroad).

(Article 207 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 208. Illegal opening or use of currency accounts outside Ukraine

1. Illegal opening or use, contrary to the procedures established by law, of currency accounts of private persons outside Ukraine by a Ukrainian citizen permanently residing on its territory, and also currency accounts of legal entities operating on the territory of Ukraine by an official of an enterprise, institution or organization, or by any other person acting on request of such official, and also any such actions committed by an unincorporated entrepreneur, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term of two to four years, with the forfeiture of currency values placed on such accounts.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, -

shall be punishable by imprisonment of three to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and the forfeiture of currency values placed on such accounts.

Article 209. Legalization (laundering) of criminally obtained money and other property

1. Effecting financial transactions and other deals involving money or other property known to be proceeds from socially dangerous criminal offenses prior to legalization (laundering) of incomes, and committing acts aimed at covering up the illegal origin of such money or other property or their ownership, the rights to such money or property, their origin, location, transfer, as well as obtaining, holding or use of money or other property known to be proceeds from socially dangerous criminal offenses prior to legalization (laundering) of incomes, -

shall be punishable by imprisonment for a term of three to six years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to two years, and with the forfeiture of criminally obtained money and other property and forfeiture of property.

2. The same actions provided for by paragraph 1 of this Article, if repeated, or committed by a group of persons upon their prior conspiracy, or in respect of gross amounts, -

shall be punishable by imprisonment of seven to twelve years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, with the forfeiture of criminally obtained money and other property and forfeiture of property.

3. Actions provided for by paragraphs 1 and 2 of this article, committed by an organized group or in especially large amounts, -

shall be punishable by imprisonment for a term of eight to fifteen years with the deprivation of the right to occupy certain positions or engage in certain activities for up to three years with the confiscation of money or other illegally obtained property and with the forfeiture of property.

Note. 1. Socially dangerous illicit action that preceded the legalization (laundering) of profits according to this article, is an action for which the Criminal Code of Ukraine provides for sentence of imprisonment (except for actions under articles 207, 212 and 212-1 of the Criminal Code of Ukraine), or actions, committed outside Ukraine, unless it is recognized as a socially dangerous illicit action that preceded the legalization (laundering) of profits under the criminal law of the country where it has been committed and a crime under the Criminal Code of Ukraine and as the result of which is the illegally obtained income.

2. Legalization (laundering) of proceeds obtained in an illegal way is considered to be committed in large amounts, if the matter of a crime was money or other property in the amount that equals or exceeds 6000 tax-free minimum incomes.

3. Legalization (laundering) of proceeds of crime way is considered to be committed in especially large amounts, if the matter of the crime was money or other property in the amount that equals or exceeds 18000 tax-free minimum incomes.

(Article 209 as amended by Law No 430-IV (430-15) of 16/01/2003 – comes into force

11/06/2003, as amended by Law No 2258-VI (2258-17) of 18.05.2010)

Article 209-1. Willful violation of the law on prevention and counteraction to legalization (laundering) of proceeds of crime or terrorist financing

1. Deliberate failure, untimely submission or submission of false information on financial transactions that in accordance with the law are subject to financial monitoring, to the specially authorized central executive body with special status for financial monitoring, if such actions caused substantial damage to legally protected rights, liberties or interests of independent citizens, state or public interests or the interests of independent legal bodies, -

shall be punishable by a fine of 1000 to 2000 tax-free minimum incomes, or restraint of liberty for a term up to two years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Disclosure of any kind of information which, in accordance with the law is provided to the specially authorized central executive body with special status for financial monitoring, by the person to whom this information became known in connection with official or professional activities, if such actions caused substantial damage to legally protected rights, liberties or interests of independent citizens, state or public interests or the interests of independent legal bodies, -

shall be punishable by a fine of 1000 to 2000 tax-free minimum incomes, or restraint of liberty for a term up to three years or by imprisonment for the same period, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(This Code is supplemented by Article 209-1 by Law No 430-IV (430-15) of 16.01.2003 – effective from 11.06.2003, as amended by Law No 2258-VI (2258-17) of 18.05.2010)

Article 210. Violation of law on budget system of Ukraine

1. Use of budget funds by an official contrary to their target allocation or in amounts exceeding approved expenditure limits, and also failure to comply with requirements related to proportional decrease of budget expenses or proportional financing of expenditure items of budgets of all levels pursuant to applicable budget legislation, where large amounts of budget funds are involved, -

shall be punishable by a fine of 100 to 300 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same acts committed in respect of especially large amounts of budget funds, or repeated, or committed by a group of persons upon their prior conspiracy, -

shall be punishable by restraint of liberty for a term of two to five years, or imprisonment for a term of two to six years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Note: 1. Budget funds are the funds of budgets of all levels irrespective of the source of their formation.

2. Large amount of budget funds in Articles 210 and 211 of this Code shall mean the amount that equals or exceeds 1000 tax-free minimum incomes.

3. Especially large amount of budget funds in Articles 210 and 211 of this Code shall mean the amount that equals or exceeds 3000 tax-free minimum incomes.
(Article 210 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 211. Making of regulations or directives that modify budget revenues and expenses contrary to the procedures prescribed by law

1. Making of regulations or directives by an official, which modify budget revenues and expenses contrary to the procedures prescribed by law, where large amounts of budget funds are involved, -

shall be punishable by a fine of 100 to 400 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to five years, or imprisonment for a term up to four years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions committed in respect of especially large amounts of budget funds, or repeated, -

shall be punishable by imprisonment for a term of two to six years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 211 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 212. Evasion of taxes, duties or other compulsory payments

1. Willful evasion of taxes, duties (compulsory payments) which are part of the taxation system established by law, by an official of an enterprise, institution or organization of any ownership status, or by any unincorporated entrepreneur, or by any other person liable to pay such taxes, duties or other compulsory payments, where such actions resulted in actual non-receipt of significant amounts of funds by budgets or special state funds, -

shall be punishable by a fine of 300 to 500 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions, if committed by a group of persons upon their prior conspiracy, or where they resulted in actual non-receipt of large amounts of funds by budgets or special state funds, -

shall be punishable by a fine of 500 to 2000 tax-free minimum incomes, or correctional labor for a term of two years, or restraint of liberty for a term of five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if committed by a person previously convicted of evasion of taxes, duties (compulsory payments), or where they resulted in actual non-receipt of especially large amounts of funds by budgets or special state funds, -

shall be punishable by imprisonment of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and with the forfeiture of property.

4. A person who committed an act provided for by paragraph 1 of this Article for the first time shall be discharged from criminal liability if he/she paid taxes, duties (compulsory

payments) and indemnified the State for the damage caused by late payment (fiscal penalties, fines) prior to the institution of a criminal case against him/her.

Note: A significant amount of funds means any amount of taxes, duties or other compulsory payments which equals or exceeds 1000 tax-free minimum incomes as established by law; a large amount of funds means any amount of taxes, fees or other compulsory payments which equals or exceeds 3000 tax-free minimum incomes as established by law; an especially large amount means any amount of taxes, fees or other compulsory payments which equals or exceeds 5000 tax-free minimum incomes as established by law. (Article 212 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 212-1. Evasion of payment of premiums on obligatory state pension insurance

1. Willful evasion of payment of premiums on obligatory state pension insurance, committed by an official of the enterprise, institution or organization, regardless of ownership, or a person engaged in entrepreneurial activities without forming a legal entity, or any other person who is required to pay them, if these actions resulted in a de facto non-receipt of large amounts of funds by the Pension Fund of Ukraine, -

shall be punishable by a fine of 300 to 500 tax-free minimum incomes, or the deprivation of the right to occupy certain positions or engage in certain activities for up to three years.

2. The same actions, if committed by a group of persons upon their prior conspiracy, or where they resulted in actual non-receipt of large amounts of funds by the Pension Fund of Ukraine, -

shall be punishable by a fine of 500 to 2000 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if committed by a person previously convicted of evasion of payment of premiums on obligatory state pension insurance, or where they resulted in actual non-receipt of especially large amounts of funds by the Pension Fund of Ukraine, -

shall be punishable by imprisonment of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and with the forfeiture of property.

4. A person who committed an act provided for by paragraph 1 or 2 of this Article for the first time shall be discharged from criminal liability if he/she paid insurance payments on obligatory state pension insurance and indemnified the State for the damage caused by late payment (fiscal penalties, fines) prior to the institution of a criminal case against him/her.

Note: A significant amount of funds means any amount of insurance premiums on obligatory state pension insurance which equals or exceeds 1000 tax-free minimum incomes as established by law; a large amount of funds means any amount of insurance premiums on obligatory state pension insurance which equals or exceeds 3000 tax-free minimum incomes as established by law; an especially large amount means any amount of insurance premiums on obligatory state pension insurance which equals or exceeds 5000 tax-free minimum incomes as established by law.

(This Code is supplemented by Article 212-1 by Law No 3108-IV (3108-15) of 17.11.2005)

Article 213. Violation of procedures related to operations with scrap metal

1. Operations with non-ferrous and ferrous scrap metal without state registration or special permit (license) as required by law, or letting buildings or constructions for establishment of illegal stations of collection, storage and sale of scrap metal, - shall be punishable by a fine of 100 to 500 tax-free minimum incomes, or community service for a term of 100 to 200 hours.

2. Any such acts as provided for by paragraph 1 of this Article, if committed by a person previously convicted for a criminal offense under this Article, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or restraint of liberty for a term up to three years.

Article 214. Violation of rules related to supply of precious metals and precious stones

Evasion of supply for affinage, compulsory under the law, or compulsory sale of precious metals or precious stones mined, or recovered from secondary raw materials, picked up or found, where any such act was committed in respect of a large amount, and also evasion of compulsory supply for affinage or compulsory sale of bought up precious metals, precious stones, jewelry or products for domestic use made of the above or scrap of such products, -

shall be punishable by a fine of 300 to 1000 tax-free minimum incomes, or restraint of liberty for a term up to two years.

Note: Violation of the rules related to supply of precious metals and precious stones is committed in respect of a large amount if the value of items specified in this Article, which were not supplied or sold, exceeds 500 tax-free minimum incomes.

Article 215. Counterfeiting of postage stamps and travel documents

Production for selling purposes, sale or use of knowingly counterfeit postage stamps, labeled products, international postal reply coupons, identification cards for international postal traffic, prints of labeling devices, and also tickets for railway, water, air or motor transport and other travel documents and shipment documents, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term of 100 to 240 hours, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

(Article 215 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 216. Illegal production, counterfeiting, use or sale of illegally produced, acquired or counterfeit documentary stamps or check stamps

1. Illegal production, counterfeiting, use or sale of illegally produced, acquired or counterfeit documentary stamps or check stamps for labeling of packages of copies of audiovisual works and phonograms, or holographic protection elements, -

shall be punishable by a fine of 100 to 300 tax-free minimum incomes, or restraint of liberty for a term up to four years.

2. The same actions, if repeated, or committed by a group of persons upon prior conspiracy, -

shall be punishable by a fine of 300 to 1000 tax-free minimum incomes, or restraint of liberty for a term of three to five years, with the forfeiture of goods labeled with counterfeit

labels or holographic protection elements.
(Article 216 in version of Law No 1098-IV (1098-15) of 10.07.2003)

Article 217. Illegal production, sale or use of state standard mark

1. Illegal production, sale or use of state standard mark, –

shall be punishable by a fine of 100 to 300 tax-free minimum incomes, or restraint of liberty for a term up to two years.

2. The same actions, if repeated, -

shall be punishable by a fine of 300 to 1000 tax-free minimum incomes, or restraint of liberty for a term of three to five years.

Article 218. Fraudulent bankruptcy

A knowingly false official statement made by a citizen, who is a founder or owner of a business entity, or an official of a business entity, or a citizen, who is an individual entrepreneur, declaring the financial incapacity to meet the liabilities with respect to creditors and budget, where such actions caused significant pecuniary damage to creditors or the State, -

shall be punishable by a fine of 750 to 2000 tax-free minimum incomes, or restraint of liberty for a term up to three years.

Note: The pecuniary damage in Articles 218 to 222 of this Code is significant if it equals or exceeds 500 tax-free minimum incomes.
(Article 218 as amended by Law No 270-VI (270-17) of 15.04.2008, No 801-VI (801-17) of 25.12.2008)

Article 219. Making bankrupt

Making bankrupt, that is willful actions of a founder (owner) or official of a business entity taken for selfish motives, other personal interest or interests of any third party and resulting in a lasting financial insolvency of such business, where it caused a significant pecuniary damage to the State or a creditor, -

shall be punishable by a fine of 500 to 800 tax-free minimum incomes, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 219 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 220. Concealment of lasting financial insolvency

Willful concealment of financial insolvency by a citizen, who is the founder or owner or an official of a business entity, by way of filing false reports, where these acts cause a significant pecuniary damage to a creditor, -

shall be punishable by a fine of 2000 to 3000 tax-free minimum incomes, or restraint of liberty for a term up to two years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 220 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 221. Illegal actions in case of bankruptcy

1. Willful concealment property, any information on property, transfer of titles, alienation or destruction of property, and also fabrication, concealment or destruction of business or financial documents by a citizen who is the founder, owner or official of a business entity in case of bankruptcy, where these actions caused a significant pecuniary damage, -

shall be punishable by a fine of 100 to 500 tax-free minimum incomes, or arrest for a term up to three months with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 221 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 222. Financial fraud

1. Filing knowingly false information by a private entrepreneur or a founder, owner or official of a business entity to government agencies, authorities of the Autonomous Republic of Crimea or local government authorities, banks or other creditors in order to obtain subsidies, subventions, grants, loans or tax credits, where no elements of criminal offense against property are involved, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions, if repeated, or where they caused significant pecuniary damage, -

shall be punishable by imprisonment for a term of two to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 222 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 223. Distribution of securities without registration of their emission

1. Distribution of a significant number of securities by an authorized person without registration of the emission under the procedure prescribed by law, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or correctional labor for a term up to two years.

Note: The number of securities distributed shall be deemed as significant in the event that the principal value of such securities equals or exceeds twenty tax-free minimum incomes. (Article 223 in version of Law No 801-VI (801-17) of 25.12.2008)

Article 223-1. Counterfeit of documents submitted for registration of securities

1. The introduction by an authorized person of the documents submitted for registration of securities, consciously false information if it caused considerable pecuniary damage to the securities investor, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or restraint of liberty for up to three years.

Note: Damages under this Article shall be deemed as significant in the event that the principal value of such securities equals or exceeds twenty tax-free minimum incomes. (This Code is supplemented by Article 223- by Law No 801-VI (801-17) of 25.12.2008)

Article 223-2. Violation of the order of maintenance of a share register

1. Failure by an official or the issuer or a professional stock market participant to make changes or making frivolous changes to the system registry of owners of securities or depository accounting system, as well as other violation of the order of maintenance of a share register where these actions caused the loss of the registry system (part thereof), –

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or restraint of liberty for a term of two to five years or imprisonment for up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(This Code is supplemented by Article 223-2 by Law No 801-VI (801-17) of 25.12.2008)

Article 224. Making, sale and use of counterfeit non-government securities

1. Making for selling purposes, sale or any other use of counterfeit non-government securities, -

shall be punishable by restraint of liberty for a term of two to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Any such actions as provided for by paragraph 1 of this Article, if repeated or where they caused a gross pecuniary damage, -

shall be punishable by imprisonment for a term of two to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if committed by an organized group or where they caused an especially gross pecuniary damage, -

shall be punishable by imprisonment for a term of five to seven years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Note: 1. The repeated offense in Article 224 shall be an offense committed by a person who had previously committed a criminal offense stipulated by this Article or Article 199 of this Code.

2. For the purposes of this Article, the material damage is deemed to be gross, if it equals or exceeds 300 tax-free minimum incomes, and is deemed to be especially gross if it equals or exceeds 1000 tax-free minimum incomes.

Article 225. Deceit of customers and clients

1. Willful cheating on measures, weight or price calculation or any other deceit of customers or clients while selling goods or providing services, where these actions involved a large amount, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term of 100 to 200 hours, or correctional labor for a term up to two years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same acts committed by a person previously convicted for deceit of customers or

clients, -

shall be punishable by a fine of 100 to 500 tax-free minimum incomes, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Note: Deceit of customers and clients is deemed to be a deceit in respect of a large amount if it causes pecuniary damages to a citizen, which exceeds three tax free minimum incomes.

Article 226. Measuring equipment tampering

1. Making or remaking for use or sale, and also sale of measuring devices or instruments, -

shall be punishable by a fine up to 100 tax-free minimum incomes, or community service for a term up to 200 hours, or correctional labor for a term up to two years, or arrest for a term up to three months.

2. The same actions committed by a person previously convicted under this Article, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or restraint of liberty up to three years.

Article 227. Marketing or sale of products of poor quality

Marketing or sale to consumers of products of poor quality, i.e. products that do not satisfy the established standards, norms, rules and specifications, or incomplete products and goods, where these acts are committed in respect of large amounts, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or correctional labor for a term up to two years, with the deprivation of the right to occupy certain positions and engage in certain activities for a term up to three years.

Note: Marketing or sale of products of poor quality is committed in respect of large amounts, if it exceeds 300 tax-free minimum incomes.

Article 228. Compulsion to anticompetitive concerted actions

1. Compulsion to anticompetitive concerted actions that are prohibited by law on the Protection of Economic Competition, by force or infliction of physical damage or threats of violence or causing such damage, -

shall be punishable by imprisonment for a term of two to five years.

2. The same actions committed by an organized group or a person previously convicted under this Article -

shall be punishable by imprisonment for a term of three to six years.

(Article 228 as amended by Law No 669-IV (669-15) of 03.04.2003, as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 229. Illegal use of a trade (or service) mark, registered trade name, qualified indication of origin

1. Illegal use of a trade (or service) mark, registered trade name, qualified indication of origin, or any other intentional violation of the rights to these objects, and if this caused a

significant pecuniary damage, -

shall be punishable by a fine of 200 to 1000 tax-free minimum incomes, or correctional labor for up to two years, or imprisonment for the same period, with the confiscation and destruction of the products and tools and materials that are specifically used for its production.

2. The same actions committed repeatedly or a group of persons upon their prior conspiracy, or where they caused an especially gross pecuniary damage -

shall be punishable by a fine of 1000 to 2000 tax-free minimum incomes, or correctional labor for up to two years, or imprisonment for a term of two to five years with confiscation and destruction of the products and tools and materials that are specifically used for its production.

3. Actions envisaged by paragraph 1 or 2 of this Article committed by an official using his/her position or an organized group or if they caused pecuniary damage on a large scale,-

shall be punishable by a fine of 2000 to 3000 tax-free minimum incomes, or imprisonment for a term of three to six years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, and the confiscation and destruction of the products and tools and materials that are specifically used for its production.

Note. The pecuniary damage shall be deemed as significant if it equals or exceeds 20 tax-free minimum incomes; the pecuniary damage shall be deemed as large if it equals or exceeds 200 tax-free minimum incomes; the pecuniary damage shall be deemed as especially large if it equals or exceeds 1000 tax-free minimum incomes.

(Article 229 in version of Law No 850-IV (850-15) of 22.05.2003, as amended by Law N 3423-IV (3423-15) of 09.02.2006, N 1111-V (1111-16) of 31.05 .2007)

(Article 230 is excluded by Law No 669-IV (669-15) of 03.04.2003)

Article 231. Illegal collection for the purpose of use or use of information that constitutes bank or trade secrets

Willful actions taken to obtain information that constitutes bank or trade secrets for the purpose of disclosure of any other use (commercial espionage), and also illegal use of such information, where it caused a significant damage to a business entity, -

shall be punishable by a fine of 200 to 1000 tax-free minimum incomes, or restraint of liberty for a term up to five years, or imprisonment for a term up to three years.

(Article 321 as amended by Law No 2252-IV (2252-15) of 16.12.2004)

Article 232. Disclosure of commercial or bank secrets

Willful disclosure of commercial or bank secrets without consent of its owner, by a person who was aware of these secrets in connection with his/her professional or official activity, where it was committed for selfish motives and caused a significant damage to a business entity, -

shall be punishable by a fine of 200 to 500 tax-free minimum incomes with deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or by correctional labor up to two years, or imprisonment for the same term.

(Article 232 as amended by Law No 2252-IV (2252-15) of 16.12.2004)

Article 232-1. Illegal use of insider information

1. Illegal use of insider information by a person who owns it, where it caused significant damage,-

shall be punishable by a fine of 750 to 2000 tax-free minimum incomes, or restraint of liberty for a term up to three years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions committed repeatedly or by a group of persons upon their prior conspiracy, or where they caused grave consequences -

shall be punishable by a fine of 2000 to 3000 tax-free minimum incomes, or restraint of liberty for a term of two to five years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Note: 1. For the purposes of this Article, the damage if it caused pecuniary damage is deemed to be significant, if it equals or exceeds 500 tax-free minimum incomes.

2. For the purposes of this Article, grave consequences if they resulted in pecuniary damage are deemed to be such if they equal or exceed 1000 tax-free minimum incomes.

(This Code is supplemented by Article 232-1 by Law No 3480-IV (3480-15) of 23.02.2006, in version of Law N 801-VI (801-17) of 25.12.2008)

Article 232-2. Non-disclosure of the issuer information

1. Failure to provide the securities investor (including stockholder) upon his written request with information about the activities of the issuer within the limits prescribed by the law, or giving him false information by an official of the issuer, if it caused the securities investor (including shareholders) a significant pecuniary damage, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or restraint of liberty for a term up to two years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions committed repeatedly, -

shall be punishable by a fine of 1000 to 3000 tax-free minimum incomes, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Note. For the purposes of this Article, the pecuniary damage is deemed to be significant, if it equals or exceeds 500 tax-free minimum incomes.

(This Code is supplemented by Article 232-2 by Law No 801-VI (801-17) of 25.12.2008)

Article 233. Illegal privatization of public or communal property

1. Privatization of public or communal property by means of understating its value through use of valuation methods not envisaged by law, or by use of forged privatization papers, and also privatization of property which, under the law, is not subject to privatization, or privatization by an unqualified person, -

shall be punishable by imprisonment for a term of three to five years.

2. Any such action as provided for by paragraph 1 of this Article, where it resulted in illegal privatization of public or communal property in large amounts or was committed by a group of persons upon their prior conspiracy, -

shall be punishable by imprisonment for a term of five to twelve years with or without the forfeiture of property.

Note: For the purposes of this Article, privatization of property in large amounts takes place if it equals or exceeds 1000 tax-free minimum incomes.

Article 234. Illegal actions in regard of privatization papers

1. Sale or any other illegal assignment of privatization papers by a person other than owner of such, and also purchase or placement of or any other transactions involving privatization papers without proper authorization, -

shall be punishable by a fine of 100 to 500 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for the same term.

2. The same actions, if repeated, or committed by a person previously convicted of any criminal offense created by Articles 233 or 235, or by an organized group, or through misuse of office, -

shall be punishable by imprisonment for a term of two to five years.

3. Stealing of privatization papers, -

shall be punishable by imprisonment for a term of three to seven years.

Article 235. Failure to comply with mandatory terms of privatization and further use of public or communal property or enterprises

Providing false information in statements on origin of funds used for the privatization of public or communal property or enterprises and in other documents required for the privatization of such property and enterprises, and failure to comply with the terms of further use and other mandatory conditions pertinent to the privatization, as established by laws and other regulations, -

shall be punishable by a fine of 100 to 400 tax-free minimum incomes, or correctional labor for a term up to two years.

**Chapter VIII.
CRIMINAL OFFENSES AGAINST ENVIRONMENT**

Article 236. Violation of environmental safety rules

Violation of regulations on environmental assessment or environmental safety during designing, location, construction, reconstruction, putting into operation, operation, and closure of industrial plants, facilities, mobile units and other objects, where it caused death of people, or environmental pollution of large areas, or other grave consequences, -

shall be punishable with imprisonment for a term of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 237. Failure to eliminate consequences of environmental pollution

Failure to perform or improper performance of decontamination or other recreational measures related to elimination of consequences of environmental pollution by a person in discharge of his/her duties on areas contaminated by hazardous substances or exposed to radiation, where it caused death of people or any other grave consequences, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term not exceeding three years.

Article 238. Concealment or misrepresentation of information on environmental status or disease incidence among the population

1. Concealment or misrepresentation, by an official, of information on environmental status, including the radiation situation which is related to pollution of land, water, air, food or food resources and adversely affects the health of people, flora and fauna, and also the disease incidence among the population in areas of increased environmental concern, -

shall be punishable by a fine up to 100 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or restraint of liberty for a term up to three years.

2. The same acts, if repeated, or committed in an area announced to be an emergency zone, or where they caused death of people or other grave consequences, -

shall be punishable by restraint of liberty for a term of two to five years, or imprisonment for the same term, with or without deprivation of the right to occupy certain positions or engage in certain activities for a term not exceeding three years.

Article 239. Contamination or deterioration of land

1. Contamination or deterioration of land by substances, waste or other materials hazardous to human life and health or the environment, as the result of violation of special rules, where these acts exposed human life and health or environment to danger, -

shall be punishable by a fine of 200 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same acts that caused death of people or massive spread of disease among them, or any other grave consequences, -

shall be punishable by restraint of liberty for a term of two to five years, or imprisonment for the same term, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 239-1. Misappropriation of soil cover (surface layer) of land

1. Misappropriation of soil cover (surface layer) of land where these acts exposed human life and health or environment to danger, -

shall be punishable by a fine of 200 to 500 tax-free minimum incomes, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and the confiscation of instruments and means of misappropriation.

2. The same actions committed repeatedly or by a group of persons upon their prior conspiracy, or where they caused a gross pecuniary damage, -

shall be punishable by restraint of liberty for a term of two to five years or by imprisonment for the same period, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and the confiscation of instruments and means of misappropriation.

3. Actions envisaged by paragraph 1 or 2 of this Article, if committed by arson, explosion or other dangerous way or where it caused death of people, massive destruction of objects of fauna or flora or any other grave consequences, -

shall be punishable by restraint of liberty for a term of three to five years or by imprisonment for the same period, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and the confiscation of instruments and means of misappropriation.

Note. For the purposes of this Article, the pecuniary damage shall be deemed as large, if it equals or exceeds 100 tax-free minimum incomes.

(This Code is supplemented by Article 239-1 Law No 1708-VI (1708-17) of 05.11.2009)

Article 239-2. Misappropriation of lands of water resources on an especially large scale

1. Misappropriation of the surface (ground) layer of land water resources on an especially large scale, -

shall be punishable by a fine of 100 to 300 tax-free minimum incomes, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and the confiscation of instruments and means of misappropriation.

2. The same actions committed repeatedly or by a group of persons upon their prior conspiracy, -

shall be punishable by restraint of liberty for a term of two to five years or by imprisonment for the same period, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and the confiscation of instruments and means of misappropriation.

3. Actions envisaged by paragraph 1 or 2 of this Article, where it caused grave consequences, -

shall be punishable by restraint of liberty for a term of three to five years or by imprisonment for the same period, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and the confiscation of instruments and means of misappropriation.

Note. For the purposes of this Article, the scale of surface (ground) layer of the land shall be deemed as especially large, if it exceeds 10 cubic meters.

(This Code is supplemented by Article 239-2 by Law No 1708-VI (1708-17) of 05.11.2009)

Article 240. Violation of rules related to the protection of mineral resources

1. Violation of prescribed rules related to the protection of mineral resources, where it exposed human life and health or environment to danger, -

shall be punishable by a fine of 300 to 600 tax-free minimum incomes, or restraint of liberty for a term up to two years, or imprisonment for the same term.

2. Violation of prescribed rules related to the use of mineral resources, where it exposed human life and health or environment to danger, and also unlawful mining of mineral resources of the national importance, -

shall be punishable by a fine of 400 to 700 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term.

3. The acts provided for in paragraphs 1 and 2 of this Article, if repeated, or committed repeatedly within the territory or facilities of natural resource conservation area, -

Shall be punishable by restraint of liberty for a term of two to five years, or imprisonment for the same term, with forfeiture of illegally mined resources and mining equipment.

4. The acts provided for in paragraphs 1, 2 and 3 of this Article, committed by means of setting fire, explosion or by any other generally dangerous method, or where it caused an death of people, their massive spread of disease among them, or any other grave consequences, -

shall be punishable by imprisonment for a term of five to eight years, with the forfeiture of illegally mined resources and mining equipment.

(Article 240 as amended by Laws No 2308-IV (2308-15) of 11.01.2005, No 2984-IV (2984-15) of 18.10.2005; in version of Law No 1708-VI (1708-17) of 05.11.2009)

Article 241. Air pollution

1. Pollution or other change of natural characteristics of air by hazardous substances, waste or other material generated by industrial or other production, as a result of violation of special rules, where these acts exposed human life and health or environment to danger,

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or restraint of liberty for a term up to three years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for the same term.

2. The same acts that caused death of people or any other grave consequences, -

shall be punishable by restraint of liberty for a term of two to five years, or imprisonment for the same term, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 242. Violation of rules related to water protection

1. Violation of rules related to the protection of water (water reservoirs), where it resulted in contamination of surface or underground water and water-bearing horizons, potable or curative water springs, or caused changes in their natural characteristics, or caused exhaustion of water springs and exposed human life and health or environment to danger, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or restraint of liberty for the same term.

2. The same acts that caused death of people or massive spread of disease among them, or mass destruction of flora and fauna, or any other grave consequences, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

Article 243. Marine pollution

1. Marine pollution within internal sea or territorial waters of Ukraine or within waters of the exclusive (marine) economic zone of Ukraine by materials or substances hazardous to human life and health, or by waste due to violation of special rules, where it exposed human life and health or sea life to danger, or could obstruct other lawful marine operations, and also unlawful discharge or burial of the said materials, substances or waste within internal sea or territorial waters of Ukraine or in the open sea,

shall be punishable by a fine of 300 to 800 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same acts that caused death of people or spread of disease among them, or mass destruction of flora and fauna, or any other grave consequences, -

shall be punishable by imprisonment for a term of two to five years with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Failure of authorized officers of any water or air craft or any other facility or construction located in the sea to report to the administration of the nearest port of Ukraine, other authorized body or person, or – in case of dumping – also an organization that issues permits for dumping, information on prepared or completed emergency dumping of hazardous substances or mixtures that contain any such substances in excess of prescribed limits, or any other waste, and also inevitable damage caused thereby within internal sea or territorial waters of Ukraine or in the open sea, where it exposed human life and health or sea life to danger, or could cause damage to health resorts and rehabilitation zones or obstruct other lawful marine operations, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or restraint of liberty for a term up to three years.

Article 244. Violation of law on the continental shelf of Ukraine

1. Violation of law on the continental shelf of Ukraine, where it caused significant damage, and also failure of a person responsible for the operation of technological installations or other sources of risk in a safety zone to take measures for the protection of sea life against hazardous effect of waste or radiation and energy, where it exposed sea life or human life or health to danger, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for a term up to two years, with or without the forfeiture of all instruments utilized by the culprit to commit this offense.

2. Exploration, prospecting and mining of natural resources or any other operations on the continental shelf of Ukraine carried out by foreign nationals, unless they comply with an agreement concluded between Ukraine and a foreign country concerned, consent to the binding character of which was granted by the Verkhovna Rada (Parliament) of Ukraine, or

by a special permit issued in a manner prescribed by law, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or arrest for a term up to six months, with the forfeiture of equipment.

Article 245. Destruction or impairment of forests

1. Destruction or impairment of forests, plantations of trees around populated areas, alongside railroads, as well as stubble, dry wild herbs, plantation or its remnants on the territory of agricultural areas by fire or any other generally dangerous method, -

shall be punishable by a fine of 300 to 500 tax-free minimum incomes, or restraint of liberty for a term of two to five years, or imprisonment for the same term.

2. The same actions that caused death of people, mass destruction of animals, or any other grave consequences, -

shall be punishable by imprisonment for a term of five to ten years.

(Article 245 in version of the Law No 1708-VI (1708-17) of 05.11.2009)

Article 246. Illegal cutting of forests

Illegal cutting of trees and shrubs in forests, forest shelter-belts and other forest implantation, where it caused significant damage, and also any such acts committed in national parks or territories and sites of natural conservation, or in other specially protected forests, -

shall be punishable by a fine of 50 of 100 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment for the same term, with the forfeiture of the proceeds of crime.

Article 247. Violation of law on plants protection

Violation of rules established with regard to fight against pests and plant diseases and other statutory requirements related to plants protection, where it caused any grave consequences, -

shall be punishable by a fine up to 100 tax-free minimum incomes, or community service for a term of 120 to 200 hours, or restraint of liberty for a term up to two years.

(Article 247 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 248. Illegal hunting

1. Violation of rules related to hunting, where it caused a substantial damage, and also illegal hunting in national parks or any territories and sites of natural conservation, or hunting for animals, birds or other species listed in the Red Book of Ukraine, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or community service for a term of 160 to 240 hours, or restraint of liberty for a term up to three years, with the forfeiture of the hunting tools and all proceeds.

2. The same acts committed by an official through abuse of office, or by a group of persons upon their prior conspiracy, or by a method that caused mass destruction of animals, birds, or any other species, or by use of vehicles, or by a person previously convicted of the offense created by this Article, -

shall be punishable by a fine of 200 to 400 tax-free minimum incomes, or restraint of liberty for a term up to five years, or imprisonment for the same term, with the forfeiture of hunting tools and proceeds.

Note: For the purpose of this Article, substantial damage, if it implies causing material loss, shall mean damage that equals or exceeds 250 tax-free minimum incomes.

(Article 248 as amended by Laws No 270-VI (270-17) of 15.04.2008, No 1827-VI (1827-17) of 21.01.2010)

Article 249. Illegal fishing or hunting or any other sea hunting industry

1. Illegal fishing or hunting or any other sea hunting industry that caused significant damage, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or restraint of liberty for a term up to three years, with the forfeiture of tools and proceeds.

2. The same acts committed with the use of explosive, poisonous substances, electric current or other means of mass destruction of fish, animals or other species, or by a person previously convicted of the offense created by this Article, -

shall be punishable with a fine of 200 to 400 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term, with the forfeiture of tools and proceeds.

(Article 249 as amended by Law No 1827-VI (1827-17) of 21.01.2010)

Article 250. Blasting in contravention of fishery conservation regulations

Conducting blasting operations in contravention of fish and water wildlife conservation regulations, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty of two to five years, or imprisonment for the term of three years.

Article 251. Violation of veterinary regulations

Violation of veterinary regulations that resulted in a spread of epizootic diseases or any other grave consequences, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or restraint of liberty for a term up to three years, or imprisonment for the same term.

Article 252. Willful destruction or impairment of territories protected by the State and sites of natural conservation

1. Willful destruction or impairment of territories protected by the State and sites of natural conservation, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or restraint of liberty for a term up to three years.

2. The same acts committed by setting fire or any other generally dangerous method, where they caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of five to twelve years.

Article 253. Designing or operation of constructions without systems of environmental protection

1. Making and submitting designs or any other similar documentation to a customer by an official or authorized person without mandatory environmental protection installations, or putting such constructions into operation without such protective installations, where these actions created a risk of serious technological accidents or environmental disasters, destruction or mass spread of diseases among the population, or any other grave consequences, -

shall be punishable by deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, or restraint of liberty for the same term.

2. The same actions that caused any of the consequences provided for in the first paragraph of this Article, -

shall be punishable by restraint of liberty for three to five years, or imprisonment for a term up to five years.

Article 254. Wasteful use of lands

Wasteful use of lands that caused a lasting depletion or loss of fertility, exclusion of such lands from the process of agricultural production, washout of humus soil, or deterioration of soil structure, -

shall be punishable by a fine up to 250 tax-free minimum incomes, or restraint of liberty for a term up to two years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.
(Article 254 as amended by Law No 270-VI (270-17) of 15.04.2008)

Chapter IX. CRIMES AGAINST PUBLIC SAFETY

Article 255. Creation of a criminal organization

1. Creation of a criminal organization for the purpose of committing a grave or special grave offense, and also leadership or participation in such organization, or participation of offenses committed by such organization, and also the organizing, running or facilitating a meeting (convention) of members of criminal organizations or organized groups for the purpose of development of plans and conditions for joint commission of criminal offenses, providing logistical support of criminal activities or coordination of activities of so associated criminal organizations or organized groups, -

shall be punishable by imprisonment for a term of five to twelve years.

2. A person, other than an organizer or leader of a criminal organization, shall be discharged from criminal liability for the offense created by this Article, if he/she has voluntarily reported the creation of the criminal organization or his/her participation in it, and effectively assisted in uncovering this organization.

Article 256. Assistance to members of criminal organizations and covering up of their criminal activity

1. Assistance, which was not promised in advance, to members of criminal organizations and

covering up of their criminal activities by providing premises, shelters, vehicles, information, documents, equipment, money, or securities, and also taking other actions, which were not promised in advance, to create conditions facilitating their criminal activities, -

shall be punishable by imprisonment for a term of three to five years.

2. The same actions committed by an official or repeated, -

shall be punishable by imprisonment for a term of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 257. Gangsterism

Organizing an armed criminal gang for the purpose of attacking businesses, institutions, organizations or private individuals, and also participation in such gang or its attacks, -

shall be punishable by imprisonment for a term of five to fifteen years with the forfeiture of property.

Article 258. Act of terrorism

1. An act of terrorism, that is the use of weapons, explosions, fire or any other actions that exposed human life or health to danger or caused significant pecuniary damage or any other grave consequences, where such actions sought to violate public security, intimidate population, provoke an armed conflict, or international tension, or to exert influence on decisions made or actions taken or not taken by government agencies or local government authorities, officials and officers of such bodies, associations of citizens, legal entities, or to attract attention of the public to certain political, religious or any other convictions of the culprit (terrorist), and also a threat to commit any such acts for the same purposes, -

shall be punishable by imprisonment for a term of five to ten years.

2. The same actions, if repeated or committed by a group of persons upon their prior conspiracy, or where these actions caused significant property damage or other grave consequences, -

shall be punishable by imprisonment for a term of seven to twelve years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, where they caused death of people, -

shall be punishable by imprisonment for a term of ten to fifteen years, or life imprisonment.

(Paragraph 4 of Article 258 is excluded by Law No 170-V (170-16) of 21.09.2006)

(Paragraph 5 of Article 258 is excluded by Law No 170-V (170-16) of 21.09.2006)

Article 258-1. Involvement in a terrorist act

1. Engaging a person in committing a terrorist act or coercion to commit a terrorist act using deceit, blackmail, vulnerable state of the person or with the use or threat of violence, - shall be punishable with imprisonment for a term of three to five years.

2. Any such actions envisaged by paragraph 1 of this Article, if repeated or committed on a few individuals, or by a group of persons upon their prior conspiracy or by an official with

misuse of official position, -

shall be punished by imprisonment for a term of four to seven years.

(This Code is supplemented by Article 258-1 by Law No 170-V (170-16) of 21.09.2006)

Article 258-2. Public incitement to commit a terrorist act

1. Public incitement to commit a terrorist act, as well as distribution, manufacture or possession for distribution of materials with such incitements, -

shall be punishable by correctional labor for a term up to two years or imprisonment for a term up to six months, or restraint of liberty for a term up to three years or deprivation of liberty for the same term.

2. The same actions committed with the use of the media, -

shall be punishable by restraint of liberty for a term up to four years, or imprisonment for a term up to five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(This Code is supplemented by Article 258-2 by Law No 170-V (170-16) of 21.09.2006)

Article 258-3. Creation of a terrorist group or terrorist organization

1. Creation of a terrorist group or terrorist organization, the leadership of a group or organization or participation in, as well as organizational or other support to the creation or activity of a terrorist group or terrorist organization, -

shall be punishable by imprisonment for a term of eight to fifteen years.

2. A person other than an organizer and leader of a terrorist group or terrorist organization, who voluntarily reported to law enforcement bodies about corresponding terrorist activities, contributed to its termination or disclosure of crimes committed in connection with the establishment or actions of such group or organization, shall be exempted from criminal liability for an act referred to in part one of this Article if his/her actions do not constitute another crime.

(This Code is supplemented by Article 258-3 by Law No 170-V (170-16) of 21.09.2006, as amended by Law No 2258-VI (2258-17) of 18.05.2010)

Article 258-4. Facilitate the commission of a terrorist act

1. Recruitment, arming and training a person to commit a terrorist act, as well as use of the person for this purpose, -

shall be punishable by imprisonment for a term of three to eight years.

2. The same actions committed concerning several individuals or repeatedly, or by a group of persons upon their prior conspiracy or by an official with misuse of official position, -

shall be punishable by imprisonment for a term of five to ten years.

(This Code is supplemented by Article 258-4 by Law No 170-V (170-16) of 21.09.2006, as amended by Law No 2258-VI (2258-17) of 18.05.2010)

Article 258-5. Financing of Terrorism

1. Financing of terrorism, i.e. acts committed with the purpose of financial or material support of an individual terrorist or a terrorist group (organization), organization,

preparation or commission of an act of terrorism, involvement in a terrorist act, public incitement to commit a terrorist act, to facilitate the commission of a terrorist act, the creation of a terrorist group (organization), -

shall be punishable by imprisonment for a term of five to eight years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to two years and with forfeiture of property.

2. The same actions committed repeatedly or for selfish motives, or by a group of persons upon their prior conspiracy or on a large scale, or if they caused significant property damage -

shall be punishable by imprisonment for a term of eight to ten years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and with forfeiture of property.

3. Actions envisaged by paragraph 1 or 2 of this Article committed by an organized group or on a large scale, or if they caused other grave consequences, -

shall be punishable with imprisonment for a term of ten to twelve years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and with forfeiture of property.

4. Person other than an organizer or leader of a terrorist group (organization) is exempted from criminal liability for actions under this Article, if he/she voluntarily informed about appropriate terrorist activities or otherwise contributed to its suspension or prevention of crime, which it sponsored, or commission which has contributed, upon condition that his/her actions do not constitute another crime.

Note. 1. Financing of terrorism shall be deemed as large if the amount of financial or material support exceeds 6000 tax-free minimum incomes.

2. Financing of terrorism shall be deemed as especially large if the amount of financial or material support exceeds 18000 tax-free minimum incomes.

(This Code is supplemented by Article 258-5 by Law No 2258-VI (2258-17) of 18.05.2010)

Article 259. Knowingly false report of a threat to the safety of citizens, destruction or impairment of property

1. Knowingly false report of the preparation of an explosion or fire or any other actions that may cause death of people or any other grave consequences, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to five years.

2. The same action that caused any grave consequences or repeated, -

shall be punishable by imprisonment for a term of two to seven years.
(Article 259 as amended by Law No 3075-III (3075-14) of 07.03.2002)

Article 260. Creation of unlawful paramilitary or armed formations

1. Creation of paramilitary formations in contravention of Ukrainian laws, and participation in the operations, -

shall be punishable by imprisonment for a term of two to five years.

2. Creation of armed formations in contravention of Ukrainian laws, and participation in the operations, -

shall be punishable by imprisonment for a term of three to eight years.

3. Leadership in the formations specified in paragraphs 1 and 2 of this Article, financing, supplying weapons, ammunition, explosives or military engineering to these formations, -

shall be punishable by imprisonment for a term of five to ten years.

4. Participation in attacks on businesses, institutions, organizations or private individuals, as a member of formations specified in paragraphs 1 and 2 of this Article, -

shall be punishable by imprisonment for a term of seven to twelve years.

5. Any such actions as provided for by paragraph 4 of this Article, where they caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of ten to fifteen years.

6. Any person, who was a member of formations specified in this Article, shall be discharged from criminal under this Article for any actions provided for in paragraph 1 or 2 of this Article, if he/she has voluntarily abandoned any such formation and reported its existence to government agencies or local government authorities.

Note: 1. A paramilitary formation shall mean a formation or a group that has a military organizational structure, including the unity of command, subordination and discipline, and performs military exercise, line training and physical drills.

2. An armed formation shall mean a military group that is illegally armed with firearms, explosives or other weapons fit for use.

Article 261. Attacks on objects which contain any items of increased danger to the environment

Attacks on any objects with any radioactive, chemical, biological or explosive materials, substances, or items produced, stored, used or transported therein, for the purpose of seizure, impairment or destruction of any such objects, -

shall be punishable by imprisonment for a term of five to twelve years.

Article 262. Stealing, appropriation or extortion of firearms, ammunition, explosives or radioactive material, or obtaining them by fraud or abuse of office

1. Stealing, appropriation or extortion of firearms (other than smoothbore hunting guns), ammunition, explosive substances, explosive devices or radioactive material, or obtaining them by fraud, -

shall be punishable by imprisonment for a term of three to seven years.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, and also obtaining items listed in paragraph 1 of this Article through abuse of office, -

shall be punishable by imprisonment for a term of five to ten years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, where committed by an organized group, and also brigandism for the purpose of stealing firearms (other than smoothbore hunting guns), ammunition, explosives or radioactive materials, and also extortion of any such items accompanied with violence dangerous to human life or health, -

shall be punishable by imprisonment for a term of ten to fifteen years with the forfeiture of property.

Article 263. Unlawful handling of weapons, ammunition or explosives

1. Carrying, storing, purchasing, producing, repairing, transferring or selling firearms (other than smoothbore hunting guns), ammunition, explosive substances or explosive devices without a permit required by law, -

shall be punishable by imprisonment for a term of two to five years.

2. Carrying, producing, repairing or selling of daggers, Finnish knives, brass knuckles or cold arms without a permit required by law, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term of 120 to 240 hours, or arrest for a term of three to six months, or restraint of liberty for a term up to two to five years, or imprisonment for a term up to three years.

3. A person, who committed an offense created by paragraph 1 or 2 of this Article, shall be discharged from criminal liability, if that person voluntarily surrendered weapons, ammunition, explosive substances or explosive devices to the authorities.
(Article 263 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 264. Negligent storage of firearms or ammunition

Negligent storage of firearms or ammunition that caused death of people or any other grave consequences, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

Article 265. Unlawful handling of radioactive materials

1. Purchasing, carrying, storing, using, transferring, modifying, destroying, cutting or breaking radioactive materials (sources of ionizing radiation, radioactive substances or nuclear materials in any physical state in any installation or product, or in any other form) without a permit required by law, -

shall be punishable by imprisonment for a term of two to five years.

2. The same actions aimed at causing death of people, affecting their health, causing gross property damage or significant environmental pollution, -

shall be punishable by imprisonment for a term of five to eight years.

3. Acts envisaged by paragraph 1 or 2 of this Article, if repeated, or committed by a group of persons upon their prior conspiracy, or if they caused death of people, gross property damage, significant environmental pollution or other grave consequences, -

shall be punishable by imprisonment for a term of eight to fifteen years.

Note: For the purpose of Articles 265, 265-1 of this Code, gross property damage shall mean damage that caused direct loss the amount of which equals or exceeds 300 tax-free minimum incomes.

(Article 265 as amended by Law No 1071-V (1071-16) of 24.05.2007)

Article 265-1. Illicit manufacture of nuclear explosive device or a device that disperses radioactive material or radiation-emitting

1. Illegal manufacture of any nuclear explosive device or a device that disperses radioactive material or radiation-emitting, and may because of its properties cause death of people, damage their health, cause gross property damage or significant pollution of the environment, -

shall be punishable by a fine of 300 to 700 tax-free minimum incomes, or restraint of liberty for a term of two to five years or by imprisonment for the same period.

2. The same actions aimed at causing death of people, affecting their health, causing gross property damage or significant environmental pollution, -

shall be punished by imprisonment for a term of five to eight years.

3. Actions envisaged by paragraph 1 or 2 of this Article, if repeated, or committed by a group of persons upon their prior conspiracy, or if they caused death of people, gross property damage, significant environmental pollution or other grave consequences, -

shall be punishable by imprisonment for a term of eight to fifteen years.

(This Code is supplemented by Article 265-1 by Law No 1071-V (1071-16) of 24.05.2007)

Article 266. Threats to steal or use radioactive materials

1. Threats to steal or use radioactive materials for the purpose of forcing a person, or a legal entity, or an international organization, or the State to take or abstain from any action, if there were are reasonable grounds to believe that the threats could be fulfilled, -

shall be punishable by imprisonment for a term up to three years.

2. Threats to use radioactive materials for the purposed of causing death of people or any other grave consequences, if there were reasonable grounds to believe that the threats could be fulfilled, -

shall be punishable by imprisonment for a term up to five years.

Article 267. Violation of regulations on handling explosives, flammable and caustic substances, or radioactive materials

1. Violation of regulations on storing, using, keeping records of, or transporting explosive substances or radioactive materials or any other rules on handling them, and also illegal mailing or shipping of the aforesaid substances, where this violation caused a risk of death of people or any other grave consequences, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for a term up to three years.

2. The same actions and also illegal mailing or shipping of flammable or caustic substances, where they causes death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of three to twelve years.

Article 267-1. Violation of the requirements of radiation safety regime

1. Moving in any way outside the exclusion zone or the zone of unconditional (mandatory) resettlement without providing statutory authorization or conducting radiological monitoring of animal and plant products, industrial or other products, animals, fish, plants or any other objects, -

shall be punishable by a fine of 50 to 80 tax-free minimum incomes, or restraint of liberty for a term of one to three years or imprisonment for the same period.

2. The acquisition for the purpose of the use or sale of objects defined in the first paragraph of this Article, if the fact of their descent from the exclusion zone or the zone of unconditional (mandatory) resettlement is previously known to the guilty person, -

shall be punishable by a fine of 70 to 85 tax-free minimum incomes, or restraint of liberty for a term of two to four years, or imprisonment for the same period.

3. Actions envisaged by paragraph 1 or 2 of this Article, aimed at selling or sale of objects defined in the first part of this Article, -

shall be punishable by a fine of 75 to 100 tax-free minimum incomes, or restraint of liberty for a term of two to five years or by imprisonment for the same period.

4. Actions envisaged by paragraph 1 or 2 or 3 of this Article committed by an official or repeated, and if they caused death of people or other grave consequences, -

shall be punishable by imprisonment for a term of three to seven years.

(This Code is supplemented by Article 267-1 by Law No 966-V (966-16) of 19.04.2007)

Article 268. Illegal movement of waste and secondary raw materials to Ukraine

1. Movement of waste or secondary raw materials to or through Ukraine without a proper permit, -

shall be punishable by the fine up to 100 tax-free minimum incomes, or restraint of liberty for a term up to three years.

2. Movement, to or through Ukraine, of substances or materials classified as hazardous waste, movement of which to Ukraine is prohibited, -

shall be punishable by a fine up of 50 to 200 tax-free minimum incomes, or imprisonment for a term up to three years.

Article 269. Illegal transportation of explosive or flammable substances by aircraft

1. Illegal transportation of explosive or flammable substances by aircraft, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to two years, or imprisonment for the same term.

2. The same actions that caused death of people or any other grave consequences, -
shall be punishable by imprisonment for a term of three to ten years.
(Article 269 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 270. Violation of fire safety requirements established by law

1. Violation of fire safety requirements established by law, where it caused a fire that resulted in any damage to human health or heavy property damage, -

shall be punishable by a fine of 50 to 120 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

2. The same action that caused death of people, especially heavy property damage or any other grave consequences, -

shall be punishable by imprisonment for a term of three to eight years.

Note: Property damage is held to be heavy, if direct losses exceed 300 tax-free minimum incomes, and is held to be especially heavy, if direct losses exceed 1000 tax-free minimum incomes.

Chapter X.
CRIMINAL OFFENSES AGAINST OCCUPATIONAL SAFETY

Article 271. Violation of occupational safety law

1. Violation of occupational safety requirements set out in laws and other labor safety regulations committed by an official of a business, institution or organization, or by a private entrepreneur, where this violation caused any harm to the victim's health, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for the same term.

2. The same act that caused death of people or any other grave consequences, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to five years, or imprisonment for a term up to seven years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to two years.

Article 272. Violation of safety rules related to high-risk operations

1. Violation of safety rules related to high-risk operations in industrial production or at any enterprise by a person obliged to observe them, where this violation caused the risk of death of people or the risk any other grave consequences, or caused any harm to the victim's health,

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same act that caused death of people or any other grave consequences, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a

term up to eight years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 273. Violation of safety rules at explosive industries or plants

1. Violation of safety rules at explosive industries or plants by a person obliged to observe them, where this violation caused a risk of death of people or the risk of any other grave consequences, or caused harm to the victim's health, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for a term up to three years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same act that caused death of people or any other grave consequences, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term of two to ten years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 274. Violation of nuclear or radiation safety rules

1. Violation of nuclear safety rules in the industrial production by a person obliged to observe them, where this violation caused the risk of death of people or the risk of any other grave consequences, or caused harm to the victim's health, -

shall be punishable by restraint of liberty for a term up to four years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same act that caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of three to twelve years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 275. Violation of rules related to safe use of industrial products or safe operation of buildings and constructions

1. Violation of rules related to safe use of industrial products in the process of developing, designing, manufacturing or storing these products, and also violation of rules related to safe operation of buildings and constructions in the process of designing or constructing them, by a person obliged to observe such rules, where these violations causes the risk of death of people, or the risk of any other grave consequences, or any harm the victim's health, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to two years.

2. The same act that caused death of people or any other grave consequences, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to five years, or imprisonment for a term of two to five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term

up to three years.

Chapter XI.
CRIMINAL OFFENSES AGAINST TRAFFIC SAFETY OR SAFETY OF TRANSPORT OPERATIONS

Article 276. Violation of rules related to safety of traffic or operation of railway, water or air transport

1. Violation of rules related to safety of traffic or transport operations by a worker of railway or water or air transport, and, also repair works of poor quality performed with regard to transport, railways, signal and communication means, where this violation exposed human lives to danger or caused the risk of any other grave consequences, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

2. The same acts that caused medium grave or grave injury to a victim, or caused significant pecuniary damage, -

shall be punishable by imprisonment for a term of two to seven years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, where they caused death of people, -

shall be punishable by imprisonment for a term of five to ten years.
(Article 276 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 277. Endangerment of communication routes and transport means

1. Willful destruction of or endangerment of communication routes, constructions on these routes, rolling-stock or vessels, signal and communication means, or any other actions taken to render the aforementioned items inoperative, where these actions caused or could cause an accident of a train or a vessel, or disrupted regular transport operations, or caused a exposed human lives to danger or caused the risk of any other grave consequences, -

shall be punishable by a fine up to 100 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for the same term, or imprisonment for a term up to three years.

2. The same acts that caused medium grave or grave bodily injury to the victim, or caused significant pecuniary damage, -

shall be punishable by imprisonment for a term of three to eight years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, where they caused death of people, -

shall be punishable by imprisonment for a term of seven to fifteen years.
(Article 277 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 278. Hijacking of a rolling-stock, aircraft or sea/river vessel

1. Hijacking of a rolling-stock, aircraft or sea/river vessel, -

shall be punishable by imprisonment for a term of three to six years.

2. The same acts committed by a group of persons upon their prior conspiracy, or accompanied with violence not dangerous to the victim's life or health, -

shall be punishable by imprisonment for a term of five to eight years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if committed by an organized group, or accompanied with violence dangerous to the victim's life or health of other persons, or caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of eight to fifteen years.

Article 279. Blocking of transportation routes, and capturing of a transport enterprise

1. Blocking of transportation routes by obstructing the traffic, or cutting off electricity, or any other method, where it disrupted normal operations of traffic, or exposed human lives to danger, or caused the risk of any other grave consequences, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months, or imprisonment for a term up to three years.

2. Capturing a railway station, airfield, port, station or any other transportation enterprise, institution or organization, -

shall be punishable by imprisonment for a term of two to five years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, where they caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of five to twelve years.

Article 280. Compulsion of a transport worker to misconduct in office

1. Compulsion of a worker of railway, air, water, motor, municipal transport or trunk pipelines to misconduct in office by threats of murder, grave bodily injuries or destruction of his/her property or close relatives, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months, or imprisonment for a term up to three years.

2. The same actions, if repeated, or committed by a group of persons upon prior conspiracy,

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if committed by an organized group or attended with violence dangerous to the victim's life or health, or where they caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of five to twelve years.

Article 281. Violation of rules related to air flight safety

1. Violation of rules related to safety of aircraft flights by persons other than air transport workers, if it exposed human lives to danger or caused a risk of any other grave consequences, -

shall be punishable by a fine up to 100 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

2. The same acts that caused medium grave bodily injury to the victim or significant pecuniary damage, -

shall be punishable by imprisonment for a term of two to five years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if they caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of five to twelve years.
(Article 281 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 282. Violation of rules related to the use of airspace

1. Violation of rules related to the launching of missiles, all types of shooting or blasting operations, or any other actions in the airspace, where it exposed the safety of air flights to risk, -

shall be punishable by a fine up to 100 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to five years.

2. The same acts that caused medium grave or grave bodily injury to the victim or significant pecuniary damage, -

shall be punishable by imprisonment for a term of two to five years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if they caused death of people, -

shall be punishable by imprisonment for a term of five to twelve years.

Article 283. Unauthorized non-emergency stopping of a train

1. Unauthorized non-emergency stopping of a train by pulling an emergency stop handle, or disconnecting an overhead break main-line, or any other method, where it exposed human lives to danger to caused the risk of any other grave consequences, or caused damage to the victim's health, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

2. The same actions that caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of five to ten years.

Article 284. Failure to provide assistance to a wrecked vessel and persons

Failure of a captain of a vessel to provide assistance to the crew and passengers of another vessel in case of collision with it, and also to any other wrecked persons encountered at sea

or any other waterway, where that captain was able to provide such assistance without putting his own vessel, crew and passengers at high risk, -

shall be punishable to a fine up to 100 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months, or imprisonment for a term up to two years.

Article 285. Failure to give the name of a vessel in case of collision

Failure of a captain of a vessel that came into collision with another vessel to give its vessel's name, the port of commission, point of departure and destination, where it was possible to do so, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months.

Article 286. Violation of rules related to traffic or driving safety by drivers

1. Violation of rules related to traffic or driving safety by a person that drives any vehicle, where it caused medium grave bodily injury to the victim, -

shall be punishable by a fine of 200 to 500 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to three years, with or without the deprivation of the right to operate transport for a term up to three years.

2. The same acts that caused death or grave bodily injury of the victim, -

shall be punishable by imprisonment for a term of three to eight years with or without the deprivation of the right to operate transport for a term up to three years.

3. Any such acts as provided for by paragraph 1 of this Article, if they caused death of several persons, -

shall be punishable by imprisonment for a term of five to ten years with the deprivation of the right to operate transport for a term up to three years.

Note: For the purposes of the present Article and Articles 287, 289 and 290, vehicles shall mean all types of cars, tractors and other self-propelled machines, trams, trolley buses, motor cycles, and other vehicles.

(Article 286 as amended by Laws No 270-VI (270-17) of 15.04.2008, No 586-VI (586-17) of 24.09.2008)

Article 287. Authorization of operation of malfunctioned vehicles and other violations of operation procedures

Authorization of operation of vehicles known to be malfunctioned, or permitting a person in a state of intoxication resulting from the use of alcohol, narcotic, or any other intoxicating substances or medicines which reduce his/her attention and increasing reaction time, or a person without a driver's license to drive a vehicle, or any other serious violation of rules related to traffic safety by a person responsible for the technical condition or operation of vehicles, where it caused medium grave or grave bodily injury or death of the victim, -

shall be punishable by a fine of 200 to 500 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to five years, or imprisonment for a term up to five years, with or without the deprivation of the right to occupy positions

related to responsibility for technical condition or operation of vehicles for a term up to three years.

(Article 287 as amended by Law No 586-VI (586-17) of 24.09.2008)

Article 288. Violation of rules, norms and standards related to traffic safety

Violation of rules, norms and standards related to traffic safety by a person responsible for construction, reconstruction, repairs or maintenance of roads, highways, streets, railway crossings and other road facilities, or a person who performs any such works, where it caused medium grave or grave bodily injury or death of the victim, -

shall be punishable by a fine of 200 to 500 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to five years, or imprisonment for a term up to five years.

(Article 288 as amended by Law No 586-VI (586-17) of 24.09.2008)

Article 289. Unlawful appropriation of a vehicle

1. Unlawful appropriation of a vehicle, -

shall be punishable by a fine of 1000 to 1200 tax-free minimum incomes, or restraint of liberty for a term of three to five years, or imprisonment for the same term.

2. The same actions committed by a group of persons upon their prior conspiracy, or repeated, or accompanied with violence dangerous to the victim's life or health, or with threats of such violence, or committed upon entering into a residence or any other shelter, or where they caused a significant pecuniary damage to the victim, -

shall be punishable by imprisonment for a term of five to eight years with or without forfeiture of property.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, committed by an organized group or accompanied with violence dangerous to the victim's life or health, or threats of such violence, or if they caused heavy property damage, -

shall be punishable by imprisonment of seven to twelve years with or without the forfeiture of property.

4. A person shall be discharged from criminal liability, if that person committed for the first time any actions provided for by this Article (except in cases of unlawful appropriation of a vehicle accompanied with violence against the victim or any threats of such violence) and voluntarily reported it to law enforcement authorities, returned the vehicle to its owner and fully repaired the losses inflicted.

Note: 1. For the purposes of this Article, an unlawful appropriation of a vehicle shall mean a willful unlawful taking of a vehicle from its owner or user against their will, for whatever purpose and by whatever means.

2. Pursuant to paragraph 2 of this Article, a repeated act shall mean any such act committed by a person who had previously unlawfully appropriated a vehicle or committed any criminal offense created by Articles 185, 186, 187, 189 to 191, and 262, 410 of this Code.

3. Pursuant to paragraphs 2 and 3 of this Article, property damage shall be deemed as significant in the event of causing material loss the amount of which equals to 100 to 250 tax-free minimum incomes, and heavy property damage shall mean causing material loss

the amount of which exceeds 250 tax-free minimum incomes.
(Article 289 in version of Law No 2903-IV (2903-15) of 22.09.2005; as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 290. Obliteration, forgery or replacement of numbers on parts and units of a vehicle

Obliteration, forgery or replacement of the identification number, engine number, chassis, or body of a vehicle, or replacement, without permission of a competent authority, of plates with the identification number of a vehicle, -

shall be punishable by a fine of 150 to 250 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years.
(Article 290 as amended by Law No 586-VI (586-17) of 24.09.2008)

Article 291. Violation of transport regulations

Violation of transport regulations related to traffic safety, as well as rules, norms and standards for manufacturing, re-equipment, maintenance of vehicles, where it caused death of people or any other grave consequences, -

shall be punishable by a fine of 200 to 500 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to five years, or imprisonment for a term up to five years.
(Article 291 as amended by Law No 586-VI (586-17) of 24.09.2008)

Article 292. Endamagement of facilities on main pipelines for oil, gas, or oil products

1. Endamagement or destruction of main pipelines for oil, gas, or oil products, or branch pipes, or any technologically related facilities, constructions, or automation, signal and communication devices, where it disrupts normal operation of such pipelines or exposes human lives to danger, -

shall be punishable by a fine up to 100 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to five years, or imprisonment for a term up to five years.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, or by a generally dangerous method, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term of three to eight years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if they caused death of people, or accidents involving people, or industrial accidents, or fire, or significant pollution of environment, or any other grave consequences, or committed by an organized group of persons, -

shall be punishable by imprisonment for a term of five to twelve years.

Chapter XII. CRIMINAL OFFENSES AGAINST PUBLIC ORDER AND MORALITY

Article 293. Group violation of public order

Organizing group actions that seriously disturb public order, or significantly disrupt

operations of public transport, any enterprise, institution or organization, and also active participation therein,

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months.

Article 294. Riots

1. Organizing riots accompanied with violence against any person, riotous damage, arson, destruction of property, taking control of buildings or construction, forceful eviction of citizens, resistance to authorities with the use of weapons or any other things used as weapons, and also active participation in riots,

shall be punishable by imprisonment for a term of five to eight years.

2. The same actions that caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of eight to fifteen years.

Article 295. Calls to actions that pose a threat to the public order

Public calls to riotous damage, arson, destruction of property, taking control of buildings or constructions, forceful eviction of citizens, where these actions pose a threat to the public order, and also distributing, making or storing any material of such content, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

Article 296. Hooliganism

1. Hooliganism, that is a serious disturbance of the public order based on motives of explicit disrespect to community in a most outrageous or exceptionally cynical manner, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to five years.

2. The same actions committed by a group of persons, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term up to four years.

3. Any such actions as provided for paragraphs 1 or 2 of this Article, if committed by a person previously convicted of hooliganism, or accompanied with resistance to authorities or a member of the public who carried out the duty of keeping public order, or to any other citizens who acted to stop the hooligan actions, -

shall be punishable by imprisonment for a term of two to five years.

4. Any such actions as provided for by paragraph 1, 2 or 3 of this Article, if committed with the use of firearms, or any cold arms, or any other thing specially adjusted or prepared in advance to cause bodily injury, -

shall be punishable by imprisonment for a term of three to seven years.

(Article 296 as amended by Law No 3075-III (3075-14) of 07.03.2002)

Article 297. Violation of graves, any other burial place, or a corpse

1. Violation of graves, any other burial place, a corpse (remains, ashes), or a funerary urn, and also misappropriation of a corpse (remains, ashes), funerary urn, things at (in) the grave, in any other burial place, on a corpse (remains, ashes), -

shall be punishable by a fine up to 200 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, or based on selfish or hooligan motives, or concerning mass grave, and tomb of the Unknown Soldier, or related to the imposition of violence or threat of violence, -

shall be punishable by restraint of liberty for a term of three or five years, or imprisonment for the same term.

3. Acts provided for in paragraphs 1 and 2 of this Article, if they caused grave consequences, -

shall be punishable by imprisonment for a term of five to twelve years.
(Article 297 in version of Law No 1166- VI (1166-17) of 19.03.2009)

Article 298. Illegal conduct search works on the project of archaeological heritage, extermination, destruction or damage to cultural heritage objects

1. Illegal conduct of archeological investigations, excavation, other earth or underwater works on the project of archaeological heritage, -

shall be punishable by a fine up to 100 tax-free minimum incomes, or restraint of liberty for a term up to two years, or imprisonment for the same term, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Willful illegal extermination, destruction or damage to cultural heritage objects or parts thereof, -

shall be punishable by a fine up to 150 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Acts provided for in paragraph 2 of this Article, if committed on monuments of national value, -

shall be punishable by imprisonment for a term up to five years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

4. Acts provided for in paragraphs 2 and 3 of this Article, if committed on the base of the search of movable objects, concerning the projects of archaeological heritage, -

shall be punishable by imprisonment for a term of two to five years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

5. Acts provided for in paragraphs 2 and 3 of this Article, if committed by an official through abuse of office, -

shall be punishable by imprisonment for a term of three to eight years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 298 in version of Law No 1626-IV (1626-15) of 18.03.2004; as amended by Law No 270-VI (270-17) of 15.04.2008; in version of Law No 2518-VI (2518-17) of 09.09.2010)

Article 298-1. Destruction, damage or concealment of documents or unique documents of the National Archive Fund

1. Willful destruction, concealment of unique documents of the National Archive Fund, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or arrest for a term up to six months.

2. The same actions, if committed on unique documents of the National Archive Fund, -

shall be punishable by imprisonment for a term up to three years

3. Actions as provided for by paragraphs 1 or 2 of this Article, if committed by an official through abuse of office, -

shall be punishable by imprisonment for a term of three to five years.

(This Code is supplemented by Article 298-1 by Law No 534-V (534-16) of 22.12.2006)

Article 299. Cruelty to animals

1. Abuse of vertebrate animals based on cruel or hooligan motives, and also setting such animals against one another based on hooligan or mercenary motives, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months.

2. The same actions committed in the presence of a young child, -

shall be punishable by a fine up to 200 tax-free minimum incomes, or restraint of liberty for a term up to two years.

Article 300. Importation, making or distribution of works that propagandize violence and cruelty, racial, national or religious intolerance and discrimination

1. Importation into Ukraine for sale or distribution purposes, or making, storage, transportation or other movement for the same purposes, or sale or distribution of works that propagandize violence and cruelty, racial, national or religious intolerance and discrimination, and also compelling others to participate in creation of such works, -

shall be punishable by a fine up to 150 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years, with the forfeiture of works that propagandize violence and cruelty, racial, national or religious intolerance and discrimination, and means of their making and distribution.

2. The same actions in regard to motion pictures and video films that propagandize violence and cruelty, racial, national or religious intolerance and discrimination, and also selling works that propagandize violence and cruelty, racial, national or religious intolerance and

discrimination, to minors or disseminating such works among minors, -

shall be punishable by a fine of 100 to 300 tax-free minimum incomes, or restraint of liberty for a term up to five years, with the forfeiture of motion pictures and video films that propagandize violence and cruelty, racial, national or religious intolerance and discrimination, and means of their making and showing.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if repeated, or committed by a group of persons upon their prior conspiracy, and also compelling minors to participate in the creation of works that propagandize violence and cruelty, racial, national or religious intolerance and discrimination, -

shall be punishable by imprisonment of three to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of works, motion pictures and video films that propagandize violence and cruelty, racial, national or religious intolerance and discrimination, and means of their making and showing.

(Article 300 in version of Law No 1707-VI (1707-17) of 05.11.2009)

Article 301. Importation, making, sale or distribution of pornographic items

1. Importation into Ukraine for sale or distribution purposes, or making, transportation or other movement for the same purposes, or sale or distribution of pornographic images or other items, and also compelling others to participate in their making, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years, with the forfeiture of pornographic images or other items and means of their making and distribution.

2. The same actions committed in regard to pornographic motion pictures and video films, or computer programs, also selling pornographic images or other items to minors or disseminating such images and items among them, -

shall be punishable by a fine of 100 to 300 tax-free minimum incomes, or restraint of liberty for a term up to five years, or imprisonment for the same term, with the forfeiture of pornographic motion pictures and video films and means of their making and showing.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if repeated, or committed by a group of persons upon their prior conspiracy, or aimed at obtaining big profit, -

shall be punishable by imprisonment of three to seven years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of pornographic items, motion pictures, video films, computer programs, and means of their making, dissemination and showing.

4. Acts provided for in paragraphs 1 and 2 of this Article committed in regard to pornographic works, images or other items containing child pornography, or compelling minors to participate in making pornographic works, images or motion and video films, computer programs, -

shall be punishable by imprisonment of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of pornographic items, motion pictures, video films, computer programs, and means of their making, dissemination and showing.

5. Acts provided for in paragraphs 1 and 2 of this Article, if repeated, or committed by a

group of persons upon their prior conspiracy, or aimed at obtaining big profit, -

shall be punishable by imprisonment of seven to twelve years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of pornographic items, motion pictures, video films, computer programs, and means of their making, dissemination and showing.

Note: Gaining big profit takes place when its amount equals or exceeds 200 tax-free minimum incomes.

(Article 301 as amended by Laws No 1520-VI (1520-17) of 11.06.2009, No 1819-VI (1819-17) of 20.01.2010)

Article 302. Creating or running brothels and trading in prostitution

1. Creating or running brothels, and also trading in prostitution,

shall be punishable by a fine up to 50 tax-free minimum incomes, or restraint of liberty for a term up to two years.

2. The same actions committed for gainful purposes, or by a person previously convicted of this offense, or by an organized group, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if committed by engaging a minor, -

shall be punishable by imprisonment for a term of two to seven years.

Article 303. Pimping or engaging person in employment prostitution

1. Engaging person in employment prostitution or compulsion to engage in prostitution, involving deceit, blackmail or vulnerable state of a person, with imposition of violence or threat of violence, or pimping -

shall be punishable by imprisonment for a term of three to five years.

2. Acts provided for in paragraph 1 of this Article, if committed concerning several individuals or repeatedly, or by a group of persons upon their prior conspiracy, or by an official through abuse of office, from whom the victim was material or otherwise dependent,

—

shall be punishable by imprisonment for a term of four to seven years.

3. Acts provided for in paragraphs 1 and 2 of this Article, if committed concerning a minor or by an organized group, -

shall be punishable by imprisonment for a term of five to ten years, with or without the forfeiture of property.

4. Acts provided for in paragraphs 1, 2 and 3 of this Article, if committed concerning a juvenile or they caused grave consequences, -

shall be punishable by imprisonment for a term of eight to fifteen years, with or without the

forfeiture of property.

Note: 1. Pimping under this Article shall mean any action of person committed for the purpose of engaging another person in prostitution.

2. The liability of engaging juvenile or minor in employment prostitution or compulsion to engage in prostitution under this Article should be incurred regardless of that such acts are committed with involving deceit, blackmail or vulnerable state of a person, with imposition of violence or threat of violence, abuse of office, or by a person from whom the victim was material or otherwise dependent.

(Article 303 in version of Law No 3316-IV (3316-15) of 12.01.2006)

Article 304. Engaging minors in criminal activity

1. Engaging minors in criminal activity, drinking alcohol, begging, or gambling, -

shall be punishable by imprisonment for a term of three to seven years.

2. The same actions committed in respect to a young child by a parent, step parent, foster parent or guardian, or any person imposed by a duty of upbringing or taking care of a victim,

-

shall be punishable by imprisonment for a term of four to ten years.

(Article 304 as amended by Law No 616-VI (616-17) of 01.10.2008)

Chapter XIII.

**CRIMINAL OFFENSES RELATED TO THE CIRCULATION OF NARCOTICS,
PSYCHOTROPIC SUBSTANCES, THEIR ANALOGUES OR PRECURSORS, AND OTHER
OFFENSES AGAINST PUBLIC HEALTH**

Article 305. Smuggling of narcotics, psychotropic substances, their analogues or precursors

1. Smuggling of narcotics, psychotropic substances, their analogues or precursors, that is their movement across the customs border of Ukraine outside the customs control or by concealing from the customs control, -

shall be punishable by imprisonment of three to eight years with the forfeiture of smuggled narcotics or psychotropic substances, their analogues or precursors.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, and also where these actions involved especially dangerous narcotics or psychotropic substances, their analogues or precursors in large amounts, -

shall be punishable by imprisonment for a term of five to ten years with the forfeiture of smuggled narcotics or psychotropic substances, their analogues or precursors, and forfeiture of property.

3. Smuggling of narcotics, psychotropic substances, their analogues or precursors committed by an organized group, and also where smuggling involved narcotics or psychotropic substances, their analogues or precursors in especially large amounts, -

shall be punishable by imprisonment for the term of eight to twelve years with the forfeiture of smuggled narcotics or psychotropic substances, their analogues or precursors, and forfeiture of property.

Note: For the purposes of this Chapter, "large" and "especially large" amounts of narcotics

or psychotropic substances, their analogues or precursors, as well as poisonous or potent substances, or poisonous or potent medicines shall be determined by the relevant health authority. (Note to Article 305 as amended by Law No 875-V (875-16) of 05.04.2007)

Article 306. Use of proceeds from trafficking in narcotics, psychotropic substances, their analogues and precursors

1. Placing proceeds from trafficking in narcotics, psychotropic substances, their analogues or precursors, into banks, enterprises, institutions, organizations and their divisions, or purchasing facilities and property designated for privatization, or industrial and other equipment, or using these proceeds and property to continue trafficking in narcotics, psychotropic substances, their analogues or precursors, -

shall be punishable by imprisonment for a term of five to twelve years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, with the forfeiture of money and other property known to be proceeds from crime, and with the forfeiture of property.

2. Any such actions as provided for by paragraph 1 of this Article, if repeated, or committed by a group of persons upon prior conspiracy, or in respect of gross amounts, -

shall be punishable by imprisonment for a term of eight to fifteen years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of property.

Note: The gross amount shall mean the amount that equals or exceeds 200 tax-free minimum incomes.

(Article 306 as amended by Laws No 430-IV (430-15) of 16.01.2003 – enters into force on 11.06.2003, No 485-IV (485-15) of 06.02.2003 – enters into force on 11.06.2003)

Article 307. Illegal production, making, purchasing, storage, transportation, sending or sale of narcotics, psychotropic substances or their analogues

1. Illegal production, making, purchasing, storage, transportation, sending for selling purposes, and also illegal sale of narcotics, psychotropic substances or their analogues, -

shall be punishable by imprisonment for a term of three to eight years.

2. The same actions, if repeated, or committed by a group of persons upon prior conspiracy, or by a person who had previously committed any of the criminal offenses created by Articles 308 to 310, 312, 314, 315 and 317 of this Code, or by engaging a minor, and also sale of narcotics, psychotropic substances or their analogues in places designated for educational, sports, and cultural purposes, and in other places of wide public attendance, or sale or transfer of these substances to places of imprisonment, or where these actions involved narcotics, psychotropic substances or their analogues in gross amounts or especially dangerous narcotics and psychotropic substances, -

shall be punishable by imprisonment for a term of five to ten years with the forfeiture of property.

3. Any such actions as provided for by paragraphs 1 and 2 of this Article, if committed by an organized group, and also if these actions involved narcotics, psychotropic substances or their analogues in especially gross amounts, or committed by engaging a young child or in respect of a young child, -

shall be punishable by the imprisonment for a term of eight to twelve years with the forfeiture of property.

4. A person, who voluntarily surrendered narcotics, psychotropic substances or their analogues, and disclosed the source from which they were purchased, and assisted in uncovering the criminal offenses related to their trafficking, shall be discharged from criminal liability for their illegal production, making, purchasing, storage, transportation, or sending (paragraph 1 of this Article and paragraph 1 of Article 309 of this Code).

Article 308. Stealing, appropriation, extortion of narcotics, psychotropic substances or their analogues, or acquisition of same by fraud or abuse of office

1. Stealing, appropriation, or extortion of narcotics, psychotropic substances or their analogues, or acquisition of same by fraud, -

shall be punishable by imprisonment for a term of three to six years.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, or accompanied with violence not dangerous to the victim's life or health, or threats of such violence, or by a person who had previously committed any of the criminal offenses created by Articles 306, 307, 310, 311, 312, 314 and 317 of this Code, or committed in respect of gross amounts, and also acquisition of narcotics, psychotropic substances or their analogues by an official through abuse of office, -

shall be punishable by imprisonment for a term of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of property.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if committed in respect of especially gross amounts, or by an organized group, and also brigandism for the purpose of stealing of narcotics, psychotropic substances or their analogues, and also extortion of such substances accompanied with violence dangerous to life and health, -

shall be punishable by imprisonment for a term of seven to twelve years with the forfeiture of property.

Article 309. Illegal production, making, purchasing, storage, transportation or sending of narcotics, psychotropic substances or their analogues not for selling purposes

1. Illegal production, making, purchasing, storage, transportation or sending of narcotics, psychotropic substances or their analogues not for selling purposes, -

shall be punishable by a fine of 50 to 100 free-tax minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment to the same term.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, or by a person who had previously committed any of the criminal offenses created by Articles 307, 308, 310 and 317 of this Code, or if these actions involved narcotics, psychotropic substances or their analogues in gross amounts, -

shall be punishable by imprisonment for a term of two to five years.

3. Any such actions as provided for by paragraphs 1 and 2 of this Article, if committed by engaging a minor, and also if these actions involved narcotics, psychotropic substances or

their analogues in especially gross amounts, -

shall be punishable by imprisonment for a term of five to eight years.

4 A person, who voluntarily applied to a treatment facility and began the treatment of drug addiction, shall be discharged from criminal liability for actions provided for by paragraph 1 of this Article.

(Article 309 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 310. Planting or cultivation of opium poppy or cannabis

1. Illegal planting or cultivation of opium poppy or cannabis, -

shall be punishable by a fine of 100 to 500 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

2. Illegal planting or cultivation of opium poppy or cannabis by a person previously convicted under this Article, or who had previously committed any of the criminal offenses created by Articles 307, 309, 311 and 317 of this Code, or committed by a group of persons upon their prior conspiracy for selling purposes, and also illegal planting or cultivation of five hundred or more plants of opium poppy or cannabis, -

shall be punishable by imprisonment for a term of three to seven years.

(Article 310 as amended by Law No 270-VI (270-17) of 15.04.2008, No 1165-VI (1165-17) of 19.03.2009)

Article 311. Illegal production, making, purchasing, storage, transportation or sending of precursors

1. Illegal production, making, purchasing, storage, transportation or sending of precursors for the purpose of using them for production or making of narcotics, or psychotropic substances, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or restraint of liberty for a term up to three years.

2. The same acts, if repeated, or committed by a group of persons upon their prior conspiracy, or in respect of gross amounts, or for selling purposes, and also the illegal sale of precursors, -

shall be punishable by imprisonment for a term of two to five years.

3. Any such acts as provided for by paragraph 1, if committed by an organized group, or in especially gross amounts, -

shall be punishable by imprisonment for a term of five to eight years with the forfeiture of property.

4. A person, who voluntarily surrendered precursors designated for the production or making of narcotics or psychotropic substances, and disclosed the source from which they were purchased, or assisted in uncovering of criminal offenses related to trafficking of precursors, narcotics, psychotropic substances or their analogues, shall be discharged from criminal liability for illegal production, making, purchasing, storage, transportation, or sending of same (paragraph 1 of this Article).

(Article 311 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 312. Stealing, appropriation, extortion of precursors, or acquisition of precursors by fraud or abuse of office

1. Stealing, appropriation, or extortion of precursors, or acquisition of precursors by fraud for the purpose of their selling, as well as selling thereof for the purpose of further producing or making of narcotics, psychotropic substances or their analogues, -

shall be punishable by a fine up to 70 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment the same term.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, or accompanied with violence not dangerous to the victim's life or health, or threats of such violence, or committed in respect of gross amounts, and also acquisition of precursors by an official through abuse of office, -

shall be punishable by imprisonment for a term of three to seven years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if committed by an organized group, or in respect of especially gross amounts, and also brigandism for the purpose of stealing of precursors, and also extortion of precursors accompanied with violence dangerous to life and health, -

shall be punishable by imprisonment for a term of five to twelve years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of property.

(Article 312 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 313. Stealing, appropriation, extortion of equipment devised for making of narcotic or psychotropic substances, or their analogues, or acquisition of such equipment by fraud or abuse of office, and other unlawful actions involving such equipment

1. Stealing, appropriation, extortion of equipment devised for making of narcotics, psychotropic substances or their analogues, or acquisition of such equipment by fraud, and also illegal making, purchasing, storage, transfer or sale of such equipment to other persons, -

shall be punishable by a fine of 50 to 200 tax-free minimum incomes, or arrest for a term of three to six months, or or restraint of liberty for a term up to three years.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, or by a person who had previously committed any of the criminal offenses created by Articles 306, 312, 314, 315, 317 and 318 of this Code, and also acquisition of equipment devised for making of narcotics, psychotropic substances or their analogues, by an official through abuse of office, -

shall be punishable by imprisonment for a term of two to six years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if committed by an organized group or for the purpose of making of especially dangerous narcotics, psychotropic substances or their analogues, and brigandage for the purpose of stealing of equipment devised for making narcotics, psychotropic substances or their analogues, and

also extortion of such equipment accompanied with violence dangerous to life and health, - shall be punishable by imprisonment for a term of five to twelve years with the confiscation of property.

(Article 313 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 314. Illegal injection of narcotics, psychotropic substances or their analogues

1. Illegal injection of narcotics, psychotropic substances or their analogues in the body of another person against his/her will, -

shall be punishable by imprisonment for a term of two to five years.

2. The same actions, if they caused drug addiction of the victim, or repeated, or committed by a person who had previously committed any of the criminal offenses created by Articles 306 to 312, and 314 to 318 of this Code, or committed in respect of two or more persons, or where they caused medium grave or grave bodily injury to the victim, -

shall be punishable by imprisonment for the term of three to ten years.

3. Any such actions as provided for by paragraphs 1 or 2 of this Article, if committed in respect of a minor or a person in helpless condition or a pregnant women, or involving an injection of especially dangerous narcotics, psychotropic substances or their analogues into the body of another person, and also if these actions caused death of the victim, -

shall be punishable by imprisonment for a term of five to twelve years.

Article 315. Inducement to use narcotics, psychotropic substances or their analogues

1. Inducement of any person to use narcotics, psychotropic substances or their analogues, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term of two to five years.

2. The same action, if repeated, or committed in respect of two or more persons, or in respect of a minor, or by a person who had previously committed any of the criminal offenses created by Articles 307, 308, 310, 314, and 317 of this Code, -

shall be punishable by imprisonment for a term of five to twelve years.

Article 316. Illegal use of narcotics in public

1. Illegal use of narcotics in public or committed by a group of persons in places designated for educational, sport and cultural purposes, and in other places of wide public attendance, -

shall be punishable by restraint of liberty for a term up to four years, or imprisonment for a term up to three years.

2. The same actions, if repeated, or committed by a person who had previously committed any of the criminal offenses created by Articles 307, 310, 314, 315, 317 and 318 of this Code, -

shall be punishable by imprisonment for a term of three to five years.

Article 317. Organizing or running places for illegal use, production or making of narcotics,

psychotropic substances or their analogues

1. Organizing or running places for illegal use, production or making of narcotics, psychotropic substances or their analogues, and also providing any premises for this purpose, -

shall be punishable by imprisonment for a term of three to five years.

2. The same actions, if repeated, or committed for mercenary motives, or by a group of persons, or by engaging a minor, -

shall be punishable by imprisonment for a term of four to eight years with the forfeiture of property.

(Article 317 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 318. Illegal making, forgery, use or sale of forged documents authorizing the receipt of narcotics, psychotropic substances or precursors

1. Illegal making, forgery, use or sale of forged or illegally obtained documents authorizing the receipt of narcotics, psychotropic substances or precursors designated for production or making of such narcotics or substances, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or restraint of liberty for a term up to three years.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, or by a person who had previously committed any of the criminal offenses created by Articles 306 to 317 of this Code, -

shall be punishable by imprisonment for a term of two to five years.

Article 319. Illegal making of a prescription authorizing the purchase of narcotics or psychotropic substances

1. Illegal making of a prescription authorizing the purchase of narcotics or psychotropic substances for mercenary motives or any other personal interests, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or community service for a term of 160 to 240 hours, or arrest for a term of three to six months, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same action, if repeated, -

shall be punishable by imprisonment for a term of two to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 319 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 320. Violation of rules related to circulation of narcotics, psychotropic substances, their analogues or precursors

1. Violation of rules on planting or cultivation of opium poppy or cannabis, and also violation of rules on production, making, storage, inventorying, dispensation, distribution, commercial sale, transportation, sending or use of narcotics, psychotropic substances, their analogues

or precursors designated for production or making of such narcotics or substances, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or restraint of liberty for a term up to four years, or imprisonment for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions, if repeated, or where they resulted in shortage of narcotics, psychotropic substances, their analogues or precursors in gross amounts, or in stealing, appropriation, extortion of narcotics, psychotropic substances, their analogues or precursors by fraud or abuse of office, -

shall be punishable by a fine up to 70 tax-free minimum incomes, or imprisonment for a term of three to five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 321. Illegal production, making, purchasing, transportation, sending, storage for selling purposes, or sale of poisonous and drastic substances

1. Illegal production, making, purchasing, transportation, sending, storage for selling purposes, or sale of poisonous and drastic substances, other than narcotics, psychotropic substances or their analogues, and also any such actions in regard of any equipment devised for the production or making of poisonous or drastic substances, where these actions were not duly authorized, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or imprisonment for a term up to three years.

2. Violation of rules related to production, making, purchasing, storage, dispensation, inventorying, transportation or sending of poisonous or drastic substances, other than narcotics, psychotropic substances or their analogues, -

shall be punishable by a fine up to 100 tax-free minimum incomes, or imprisonment for a term up to two years.

3. Acts provided for in paragraphs 1 and 2 of this Article, if committed repeatedly, or by a group of persons upon their prior conspiracy, or if subject of such actions were toxic or potent substances which are not being narcotic or psychotropic substances or their analogues, or poisonous or potent drugs in large quantities, -

shall be punishable by imprisonment for a term of three to five years.

4. Acts provided for in paragraphs 1 and 2 of this Article, if committed by a group of persons upon their prior conspiracy, or if subject of such actions were toxic or potent substances which are not being narcotics or psychotropic substances or their analogues, or poisonous or potent drugs in large quantities,-

shall be punishable by imprisonment for a term of five to ten years.

5. A person who voluntarily surrenders toxic or potent substances which are not being narcotics or psychotropic substances or their analogues, or poisonous or potent drugs, and indicated the source of their acquisition or contributed to the exposure of crimes related to their trafficking is exempt from criminal liability for the unlawful production, manufacture, purchase, transportation, shipment, storage of toxic or potent substances which are not narcotics or psychotropic substances or their analogues, or poisonous or

potent drugs, as well as for such acts without special permission (the first part of this article) concerning equipment for the production or manufacture of toxic or potent substances, non-narcotic or psychotropic substances or their analogues, or toxic or potent drugs.

(Article 321 in version of the Law of Ukraine N 875-V (875-16) of 05.04.2007)

Article 322. Illegal organization or running of places for the use of intoxicating substances

Illegal organization or running of places for the use of intoxicating medicines and substances, other than narcotics, psychotropic substances or their analogues, and also providing premises for this purpose, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term.

(Article 322 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 323. Inducement of minors to the use of dope

1. Inducement of minors to the use of dope, -

shall be punishable by a fine 50 tax-free minimum incomes, or by deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same action, if repeated, or committed a parent, step parent, foster parent or guardian, or any person imposed by a duty of upbringing or taking care of a minor, his/her trainer, or by a person who had previously committed any of the criminal offenses created by Articles 314, 315, 317 or 324 of this Code, -

shall be punishable by restraint of liberty for a term up to two years, or imprisonment for the same term.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, committed in respect of two or more persons, if they caused damage to victim's health, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

4. Any such acts as provided for by paragraph 1, 2 and 3 of this Article, if they caused significant damage to victim's health of any other grave consequences, -

shall be punishable by imprisonment for a term of three to eight years.

Note: Dope shall mean and substances and methods listed in index prohibited by the Anti-dope Code of the Olympic Movement.

(Article 323 as amended by Law No 616-VI (616-17) of 01.10.2008)

Article 324. Inducement of minors to the use of intoxicating substances

Inducement of minors to the use of intoxicating substances, other than narcotics, psychotropic substances or their analogues, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

Article 325. Violation of rules related to combating contagious diseases and mass

poisonings

Violations of rules and norms related to the prevention of and combating epidemic and other contagious diseases, as well as mass non-infectious diseases (poisoning) where these actions caused or could knowingly cause a spread of these diseases, -

shall be punishable by a fine up to 100 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

2. The same acts, if they caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of five to eight years.
(Article 325 in version of Law No 1125-VI (1125-17) of 17.03.2009)

Article 326. Violation of rules related to handling of microbiological or other biological agents or toxins

1. Violation of rules related to storage, use, inventorying, transportation of microbiological or other biological agents or toxins, and any other rules related to handling of same, where it caused the risk of death of people or any other grave consequences, or caused any harm to the victim's health, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, with or without the deprivation of the right to occupy certain positions and engage in certain activities for a term up to three years.

2. The same act that caused death of people or any other grave consequences, -

shall be punishable by restraint of liberty for a term up to 5 years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 327. Supply, processing or sale of food stuffs or other products contaminated by radiation

1. Supply, processing for selling purposes, or sale of food stuffs or other products contaminated by radiation in excess of permissible levels, where it caused the risk of death of people or any other grave consequences, or caused any harm to the victim's health, -

shall be punishable by a fine up to 70 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

2. Supply, processing for selling purposes, or sale of food stuffs or other products contaminated by radiation in excess of permissible level, where it caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of two to five years.

Chapter XIV.

CRIMINAL OFFENSES RELATED TO THE PROTECTION OF STATE SECRETS, INVIOABILITY OF STATE BORDERS, CONSCRIPTION AND MOBILIZATION

Article 328. Disclosure of state secrets

1. Disclosure of information related to state secrets by a person, to whom this information

was entrusted or became available in connection with his/her official duties, provided that no elements of high treason or espionage were involved, -

shall be punishable by imprisonment for a term of two to five years with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same act that caused any grave consequences, -

shall be punishable by imprisonment for a term of five to eight years.

Article 329. Loss of documents that contain state secrets

1. Loss of documents or any other physical media for secret information that contain state secrets, and also any items that represent state secrets by a person, to whom they were entrusted, where such loss resulted from the violation of regulations established by law with regard to the handling of any such documents and other physical media for secret information or items, -

shall be punishable by imprisonment for a term up to three years with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same act that caused any grave consequences, -

shall be punishable by imprisonment for a term of two to five years.

Article 330. Transfer or collection of confidential information that belongs to the State

1. Transfer or collection of economic, scientific, technological or other confidential information that belongs to the State for the purpose of transferring it to foreign businesses, institutions, organizations or their representatives by a person, to whom this information was entrusted or became available in connection with his/her official duties, provided that no elements of high treason or espionage were involved, -

shall be punishable by restraint of liberty for a term up to three years or imprisonment for a term of two to five years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions committed for mercenary motives, or where they caused any grave consequences for the State, or repeated, or committed by a group of persons upon their prior conspiracy, -

shall be punishable by imprisonment for a term of four to eight years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 331 is excluded by Law No 1723-IV (1723-15) of 18.05.2004)

Article 332. Illegal movement of persons across the state border of Ukraine

1. Organizing of illegal movement of persons across the state border of Ukraine, coordinating or facilitating any such actions by advice, instructions, provision of means or

removal of obstacles, -

shall be punishable by imprisonment for a term of two to five years with the forfeiture of transport or any other means used to commit the offense.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, -

shall be punishable by imprisonment for a term of three to seven years with the forfeiture of means used to commit the offense.

Article 333. Violation of procedure of international transfers of goods subject to state export control

1. Violation of established order of international transfers of goods subject to state export controls, -

shall be punishable by a fine up of 100 to 200 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same action, if committed repeatedly or by an organized group, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 333 in version of Law No 668-IV (668-15) of 03.04.2003)

Article 334. Violation of international flights regulations

Flying in or out of Ukraine without an appropriate permit, or failure to follow the routes, places of landing, air ways, gates or echelons described in such permit, -

shall be punishable by a fine of 200 to 1000 tax-free minimum incomes, or restraint of liberty for a term up to five years, or imprisonment for the same term, with the forfeiture of the aircraft.

Article 335. Avoidance of conscription for active military service

Avoidance of conscription for active military service, -

shall be punishable by restraint of liberty for a term up to three years.

Article 336. Avoidance of mobilization

Avoidance of mobilization, -

shall be punishable by imprisonment for a term two to five years.

Article 337. Avoidance of military registration or special assemblies

1. Avoidance of military registration by a person bound to military service after notification by an appropriate military commissariat, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a

term up to two years, or arrest for a term up to six months.

2. Avoidance of military training or special assemblies by a person bound to military service,
-

shall be punishable by a fine up to 70 tax-free minimum incomes, or arrest for a term up to six months.

Chapter XV. CRIMES AGAINST THE AUTHORITY OF GOVERNMENT, LOCAL GOVERNMENT OR ASSOCIATIONS OF CITIZENS

Article 338. Outrage against state symbols

1. Public outrage against the National Flag of Ukraine, the National Coat of Arms of Ukraine or the National Anthem of Ukraine, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months, or imprisonment for a term up to three years. (Item 2 of paragraph 1 of Article 338 as amended by Law No 1441-VI (1441-17) of 04.06.2009)

2. public outrage against an officially installed or raised flag or coat of arms of a foreign state, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months, or imprisonment for a term up to three years. (Item 2 of paragraph 2 of Article 338 as amended by Law No 1441-VI (1441-17) of 04.06.2009).

Article 339. Illegal hoisting of the National Flag of Ukraine at a river or sea vessel

Hoisting of the National Flag of Ukraine at a river or sea vessel without the right to this Flag, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months.

Article 340. Illegal interference with the organization or holding of assemblies, rallies, marches and demonstrations

Illegal interference with the organization or holding of assemblies, rallies, marches and demonstrations, where this act was committed by an official or with the use of physical violence, -

shall be punishable by correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to five years, or imprisonment for the same term.

Article 341. Capturing of government or public buildings or constructions

Capturing of buildings or constructions of government agencies, local authorities, and associations of citizens, for the purpose of unlawful use of these buildings or constructions, or interference with normal operations of businesses, institutions or organizations, -

shall be punishable by arrest for a term of six months, or restraint of liberty for a term up to three years, or imprisonment for the same term.

Article 342. Resistance to a representative of public authorities, law enforcement officer, a member of a community formation for the protection of public order, or a military servant

1. Resistance to a representative of public authorities in the execution of his/her official duty, -

shall be punishable by a fine up to 70 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term of three years.

2. Resistance to a law enforcement officer, a member of a public formation for the protection of public order and state border, or a military servant in the execution of their duties related to the protection of public order, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to four years, or imprisonment for a term up to two years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, where the above persons were forced to patently illegal actions by violence or threats of violence, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term of two to five years.

Article 343. Interference with activity of a law enforcement officer

1. Any influence on a law enforcement officer for the purpose of interfering with his official duty or obtaining any unlawful decisions, -

shall be punishable by a fine of 50 to 200 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months.

2. The same actions that precluded the prevention of a criminal offense or apprehension of an offender, or were committed by an official through abuse of office, -

shall be punishable by the deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or arrest for a term up to six months, or imprisonment for a term up to four years.

Article 344. Interference with activity of a statesman

1. Any unlawful influence on the President of Ukraine, the Chairman of the Verkhovna Rada (Parliament) of Ukraine, a National Deputy (Member of Parliament) of Ukraine, the Prime Minister of Ukraine, a member of Cabinet of Ministers of Ukraine, the Human Rights Commissioner of the Verkhovna Rada of Ukraine or his/her representative, the Head or a member of the Accounting Chamber, the Head or a member of the Central Election Committee, the Chairman of the National Bank of Ukraine, a member of the National Broadcast Council of Ukraine, the Head of the Antimonopoly Committee of Ukraine, the Head of the State Property Fund of Ukraine, the Head of the State Broadcast Committee of Ukraine for the purpose of preventing them from performance of their official duty or obtaining any unlawful decisions, -

shall be punishable by a fine of 200 to 300 free-tax minimum incomes, of arrest for a term of three to six months, of restraint of liberty for a term up to two years, or imprisonment for the same term.

2. The same actions committed by an official through abuse of office, -

shall be punishable by a fine of 300 to 500 free-tax minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term, with or without the deprivation of the right to occupy certain positions and engage in certain activities for a term up to three years.

(Article 344 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 345. Threats or violence against a law enforcement officer

1. Threats of murder, violence, destruction or impairment of property made in respect of a law enforcement officer, or his close relatives in connection with his official duties, -

shall be punishable by correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment for the same term.

2. Willful battery of, or infliction of minor or medium grave bodily injury on a law enforcement officer or his close relatives, in connection with his/her official duties, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

3. Willful infliction of grave bodily injury on a law enforcement officer or his close relatives, in connection with his/her official duties, -

shall be punishable by imprisonment for a term of five to twelve years.

4. Any such actions as provided for by paragraph 1, 2 or 3 of this Article, if committed by an organized group, -

shall be punishable by imprisonment for a term of seven to fourteen years.

Article 346. Threats or violence against a statesman or a public figure

1. Threats of murder, impairment of health, destruction or impairment of property, kidnapping or confinement made in respect of the President of Ukraine, the Chairman of the Verkhovna Rada (Parliament) of Ukraine, a National Deputy (Member of Parliament) of Ukraine, the Prime Minister of Ukraine, a member of Cabinet of Ministers of Ukraine, the Chairman or a judge of the Constitutional Court of Ukraine or the Supreme Court of Ukraine or High Specialized Courts of Ukraine, the Procurator General of Ukraine, the Human Rights Commissioner of the Verkhovna Rada of Ukraine, the Head of the Accounting Chamber, the Chairman of the National Bank of Ukraine, or a leader of a political party, committed in relation to their government or public activity, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

2. Willful infliction of medium grave or minor bodily injury on, or battery of, or any other violent actions committed in respect of the persons named in paragraph 1 of this Article, in connection with their government or public activity, -

shall be punishable by imprisonment for a term of four to seven years.

3. Willful infliction of grave bodily injury on persons named in paragraph 1 of this Article, in

connection with their government or public activity, -

shall be punishable by imprisonment for a term of seven to twelve years.
(Article 346 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 347. Willful destruction or impairment of property owned by a law enforcement officer

1. Willful destruction or impairment of the property owned by a law enforcement officer or his/her close relatives, in connection with his/her official duties, -

shall be punishable by a fine of 50 to 200 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to five years.

2. The same actions committed by setting a fire, explosion or any other generally dangerous method, or where they caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of six to fifteen years.

Article 348. Trespass against life of a law enforcement officer, a member of a community formation for the protection of public order, or a military servant

Murder or attempted murder of a law enforcement officer or his/her close relatives in connection with his/her official duties, and also of a member of a community formation for the protection of public order, or a military servant in connection with their activities related to the protection of public order, -

shall be punishable by imprisonment for a term of nine to fifteen years, or life imprisonment.

Article 349. Hostage taking of a representative of public authorities or a law enforcement officer

Taking or holding of a representative of public authorities, or a law enforcement officer, or their close relatives as hostages for the purpose of making a public or any other institution, business or organization, or any official to take or refrain from any actions as a condition for release of the hostage, -

shall be punishable by imprisonment for a term of eight to fifteen years.

Article 350. Threats or violence against an official or a citizen who performs his/her public duty

1. Threats of murder, grave bodily injury or destruction or impairment of property by a generally dangerous method, made in respect of an official or his close relatives or a citizen who performs his/her public duty, where these acts are committed to preclude the activities of the official or the citizen who performs his/her public duty, or to change their nature in the interests of the persons who makes such threats, -

shall be punishable with arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment for a term up to two years.

2. Willful battery of or infliction of minor or medium grave bodily injury on an official or a citizen who performs his/her public duty, in connection with their official or public activities, and also any such actions committed in respect of their close relatives, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for the same term.

3. Willful infliction of grave bodily injury on an official or a citizen who performs his/her public duty, in connection with their official or public activities, and also such action committed in respect of their close relatives, -

shall be punishable by imprisonment for a term of five to twelve years.

Article 351. Interference with activity of a National Deputy of Ukraine or a deputy of a local council

1. Failure of an official to comply with lawful requests of the National Deputy of Ukraine or a deputy of a local council, raising any simulated obstacles to their activities, or providing knowingly false information to them, -

shall be punishable by a fine of 100 to 1000 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

2. Failure of an official to comply with lawful requests of Committees of the Verkhovna Rada (Parliament) of Ukraine or ad-hoc investigation commissions of the Verkhovna Rada of Ukraine, raising any simulated obstacles to their activities, or providing false information, -

shall be punishable by a fine 500 to 2000 tax-free minimum incomes, or restraint of liberty for a term up to five years, or deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 352. Willful destruction or impairment of property owned by an official or a citizen who acts in discharge of his/her public duty

1. Willful destruction or impairment of property owned by an official or a citizen who acts in discharge of his/her public duty, in connection with their official or public activity, and also any such actions in respect of their close relatives, -

shall be punishable by a fine of 50 to 200 tax-free minimum incomes, or arrest for a term up to six months, or imprisonment for a term up to four years.

2. Any such actions as provided for by paragraph 1 of this Article, if committed by setting fire, explosion or by any other generally dangerous method, or where they caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of five to twelve years.

Article 353. Unauthorized assuming of an office or official title

Unauthorized assuming of an office or official title accompanied with any socially dangerous acts, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

Article 354. Receiving of illegal benefits by an employee of a state enterprise, institution or organization

Illegal receiving of any material consideration or benefits of a significant amount, by way of extortion, by an employee of a state enterprise, institution or organization, who is not an

official, in return for any actions or omission through abuse of his/her position at the enterprise, institution or organization, -

shall be punishable by the fine up to 70 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, or imprisonment for a term up three years.

Note: For the purposes of this Article, illegal benefits of a significant amount shall mean any illegal benefits which equal or exceed 2 tax-free minimum incomes.

Article 355. Compulsion to meet or neglect civil obligations

1. Compulsion to meet or neglect civil obligations, that is a demand to meet or neglect any contractual or other civil obligations by threats of violence in respect of the victim or his/her close relatives, or impairment or destruction of their property, where no elements of extortion are involved, -

shall be punishable by correctional labor for a term up to two years, or arrest for a term up to six months, or imprisonment for a term up to two years.

2. Compulsion to meet or neglect any civil obligations, if repeated, or committed by a group of persons upon their prior conspiracy, or accompanied with threats of murder or infliction of grievous bodily injury, or accompanied with violence not dangerous to the life and health, or impairment or destruction of property, -

shall be punishable by imprisonment of three to five years.

3. Compulsion to meet or neglect any civil obligations, if committed by an organized group, or accompanied with violence dangerous to life and health, or where it caused any significant damage or any other grave consequences, -

shall be punishable by imprisonment for a term of four to eight years.

Article 356. Unauthorized action

Unauthorized action, that is doing anything contrary to the rules established by law, where the lawfulness of such acts is challenged by an individual citizen, an enterprise, institution or organization, and where such acts caused any significant damage to the interests of a citizen, state and public interests, or interests of the owner, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to three months.

Article 357. Stealing, appropriation, or extortion of documents, stamps and seals, or acquiring them by fraud or abuse of office, or endamagement thereof

1. Stealing, appropriation, or extortion of official documents, stamps and seals, or acquiring them by fraud or abuse of office, or willful destruction, endamagement or concealment thereof, and also any such actions committed in respect of private documents at enterprises, institutions or organizations of any type of ownership, and committed for mercenary motives or for any other personal benefit, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or restraint of liberty for a term up to three years.

2. The same acts that disrupted the work of an enterprise, institution or organization, or

where committed with regard to especially important documents, stamps or seals, -

shall be punishable by a fine up to 70 tax-free minimum incomes, or restraint of liberty for a term up to three years, or imprisonment for the same term.

3. Illegal acquiring of a passport or any other important personal document by any means, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to three months, or restraint of liberty for a term up to three years.

Article 358. Forgery of documents, stamps, seals or letterheads, and sale or use of forged documents

1. Forgery of an identification card or any other document issued or certified by an enterprise, institution, organization, individual entrepreneur, private notary, auditor or any other person authorized to issue or certify such documents, or any document that grants any rights or discharges from any obligations, for the purpose of using it by the forger or any other person, or sale of any such document, and also making of forged stamps, seals or letterheads of enterprises, institutions or organizations of any type of ownership, and any other official stamps, seals and letterheads for the same purpose, and sale of the same, -

shall be punishable by a fine up to 70 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

2. Any such actions as provided for by paragraph 1 of this Article, if repeated, or committed by a group of persons upon their prior conspiracy, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

3. The use of a knowingly forged document, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to two years.

Article 359. Illegal use of special technology for secret obtaining of information

1. Unlawful purchase, sale and use of special technology for secret obtaining of information, -

shall be punishable by a fine of 200 to 1000 tax-free minimum incomes, or restraint of liberty for a term up to four years, or imprisonment for the same term.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, or by an organized group, -

shall be punishable by imprisonment for a term of four to seven years.

3. Acts as provided for in paragraphs 1 and 2 of this Article, committed by an organized group, or if they caused any substantial damage to legally protected rights, freedoms and interests of individual citizens, or state and public interests, or interests of individual legal entities, -

shall be punishable by imprisonment for a term of seven to ten years.
(Article 359 in version of Law No 2338-VI (2338-17) of 15.06.2010)

Article 360. Willful endangament of communication lines

Willful endangament of cable, radio-relay or air communication lines, wire communications, or any facilities and equipment comprised by the former, where it caused a temporary disruption of communication, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or correctional labor for a term up to one year, or restraint of liberty for a term up to two years.

Chapter XVI
CRIMINAL OFFENSES RELATED TO THE USE OF ELECTRONIC COMPUTING
MASCHINES (COMPUTERS), SYSTEMS AND COMPUTER NETWORKS AND
TELECOMMUNICATION NETWORKS

(The title of Chapter XVI as amended by Law No 908-IV (908-15) of 05.06.2003)

Article 361. Unauthorized interference with the work of electronic computing machines (computers), automated systems, computer networks or telecommunication networks

1. Unauthorized interference with the work of electronic computing machines (computers), automated systems, computer networks or telecommunication networks, which led to leak, loss, fake, blocking information, distortion of the information processing or violation the established order its routing, -

shall be punishable by a fine of 600 to 1000 tax-free minimum incomes, or restraint of liberty for a term of two to five years, or imprisonment for a term of three years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to two years, with the forfeiture of software and hardware, by means of which were accomplished unauthorized intervention, which are owned by the party in fault.

2. The same actions, if repeated or committed by a group of persons upon their prior conspiracy, if they caused a significant damage

shall be punishable by imprisonment for a term of three to five years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to two years, with the forfeiture of software and hardware, by means of which were accomplished unauthorized intervention, which are owned by the party in fault.

Note. Significant damage under these Articles 361 - 363-1 if it is causing material damage, shall mean a damage which equals or exceeds 100 tax-free minimum incomes. (Article 361 in version of Law No 908-IV (908-15) of 05.06.2003, No 2289-IV (2289-15) of 23.12.2004).

Article 361-1. Creation for the purpose of use, dissemination and distribution of harmful software or hardware, as well as their dissemination and distribution.

1. Creation for the purpose of use, dissemination and distribution, as well as dissemination and distribution of harmful software or hardware, appropriate for unauthorized interference with the work of electronic computing machines (computers), automated systems, computer networks or telecommunication networks, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for the same term, with the forfeiture of software and hardware, appropriate for unauthorized interference with the work of

electronic computing machines (computers), automated systems, computer, which are owned by the party in fault.

2. The same actions, if repeated or committed by a group of persons upon their prior conspiracy, if they caused a significant damage, -

shall be punishable by imprisonment for a term up to five years, with the forfeiture of software and hardware, appropriate for unauthorized interference with the work of electronic computing machines (computers), automated systems, computer, which are owned by the party in fault.

(This Code is supplemented by Article 361-1 by Law No 2289-IV (2289-15) of 23.12.2004)

Article 361-2. Unauthorized dissemination and distribution of information with restricted access, which is stored in the electronic computing machines (computers), automated systems, computer networks or information-carrying medium.

1. Unauthorized dissemination and distribution of information with restricted access, which is stored in the electronic computing machines (computers), automated systems, computer networks or information-carrying medium, established and protected in accordance with existing legislation, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or correctional labor for a term up to two years, or imprisonment for a term up to two years, with the forfeiture of software and hardware, by means of which were accomplished unauthorized distribution or dissemination of information with restricted access, which are owned by the party in fault

2. The same actions, if repeated or committed by a group of persons upon their prior conspiracy, if they caused a significant damage, -

shall be punishable by imprisonment for a term of two to five years, with the forfeiture of software and hardware, by means of which were accomplished unauthorized interference with the work of electronic computing machines (computers), automated systems, computer, which are owned by the party in fault.

(This Code is supplemented by Article 362-1 by Law No 2289-IV (2289-15) of 23.12.2004)

Article 362. Unauthorized actions with information, which is processed in the electronic computing machines (computers), automated systems, computer networks or saved on the information-carrying medium, committed by a person entitled to access to such information.

1. Unauthorized alteration, erasure or blocking of information, which is processed in the electronic computing machines (computers), automated systems, computer networks or stored on the information-carrying medium, if it led to leak, committed by a person entitled to access to such information, -

shall be punishable by a fine of 600 to 1000 tax-free minimum incomes, or correctional labor for a term up to two years, with the forfeiture of software and hardware, by means of which were accomplished unauthorized distribution alteration, erasure or blocking of information, which is owned by the party in fault.

2. Unauthorized interception or copying of information, which is processed in the electronic computing machines (computers), automated systems, computer networks or stored on the information-carrying medium if it led to leak, committed by a person entitled to access to such information, -

shall be punishable by imprisonment for a term up to three years, with the deprivation of

the right to occupy certain positions or engage in certain activities for the same term, and with the forfeiture of software and hardware, by means of which were accomplished unauthorized interception or copying of information, which are owned by the party in fault.

3. Acts provided for in paragraphs 1 and 2 of this Article, if repeated or committed by a group of persons upon their prior conspiracy, if they caused a significant damage, -

shall be punishable by imprisonment for a term of three to six years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, and with the forfeiture of software and hardware, by means of which were accomplished unauthorized actions with information, which are owned by the party in fault. (Article 362 in version of Law No 2289-IV (2289-15) of 23.12.2004)

Article 363. Violation of operating rules of electronic computing machines (computers), automated systems, computer networks or telecommunications networks and the order or rules protection of information which is processed therethrough.

Violation of operation of electronic computing machines (computers), automated systems, computer networks or telecommunications networks and the order or rules protection of information which is processed therethrough, if it caused a significant damage, committed by a person entitled to access to such information, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for the same term. (Article 363 in version of Law No 2289-IV (2289-15) of 23.12.2004)

Article 363-1. Impeding the work of electronic computing machines (computers), automated systems, computer networks or telecommunication networks by mass distribution of electronic messages

1. Willful mass distribution of electronic messages, committed without the prior consent of recipients, which led to disturbance or interruption of electronic computing machines (computers), automated systems, computer networks or telecommunication networks, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or restraint of liberty for a term up to three years.

2. The same actions, if repeated or committed by a group of persons upon their prior conspiracy, if they caused a significant damage, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or restraint of liberty for a term up to five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term to three years, and with the forfeiture of software and hardware, by means of which were accomplished mass distribution of electronic messages, which are owned by the party in fault.

(This Code is supplemented by Article 363-1 by Law No 2289-IV (2289-15) of 23.12.2004)

Chapter XVII. CRIMINAL OFFENSES IN OFFICE

Article 364. Abuse of authority or office

1. Abuse of authority or office, that is a willful use of authority or official position contrary to the official interests by an official for mercenary motives or other personal benefit or

benefit of any third persons, where it caused any substantial damage to legally protected rights, freedoms and interests of individual citizens, or state and public interests, or interests of legal entities, -

shall be punishable by correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same act that caused any grave consequences, -

shall be punishable by imprisonment for a term of three to six years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, of committed by a law enforcement officer, -

shall be punishable by imprisonment for a term of five to twelve years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of property.

Note: 1. Officials shall mean persons who permanently or temporary represent public authorities, and also permanently or temporary occupy positions in businesses, institutions or organizations of any type of ownership, which are related to organizational, managerial, administrative and executive functions, or are specifically authorized to perform such functions.

2. Officials shall also mean foreigners or stateless persons who perform the functions described in paragraph 1 of this Note.

3. For the purposes of Articles 364, 365 and 367, significant damage with reference to any pecuniary losses shall mean any damage that equals or exceeds 100 tax-free minimum incomes.

4. For the purposes of Articles 364 to 367, grave consequences with reference to any pecuniary losses shall mean any such consequences that equal or exceed 250 tax-free minimum incomes.

(Article 364 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 365. Excess of authority or official powers

1. Excess of authority or official powers, that is a willful commission of acts, by an official, which patently exceed the rights and powers vested in him/her, where it caused any substantial damage to the legally protected rights and interest of individual citizens, or state and public interests, or interests of legal entities, -

shall be punishable by the correctional labor for a term up to two years, or restraint of liberty for a term up to five years, or imprisonment for a term of two to five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Excess of authority or official powers accompanied with violence, use of weapons, or actions that caused pain or were derogatory to the victim's personal dignity, however, with no elements of torture, -

shall be punishable by imprisonment for a term of three to eight years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if they caused any grave consequences, -

shall be punishable by imprisonment for a term of seven to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 365 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 366. Forgery in office

1. Forgery in office, that is putting any knowingly false information in any official documents, any other fabrication of documents, and also making and issuing knowingly false documents by an official, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same act that caused any grave consequences, -

shall be punishable by the imprisonment for a term of two to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 367. Neglect of official duty

1. Neglect of official duty, that is the failure to perform or improper performance, by an official, of his/her official duties due to negligence, where it caused any significant damage to the legally protected rights and interest of individual citizens, or state and public interests, or interests of legal entities, -

shall be punishable by a fine of 50 to 150 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same act that caused any grave consequences, -

shall be punishable by imprisonment for a term of two to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and with or without a fine of 100 to 250 tax-free minimum incomes.

Article 368. Taking a bribe

1. Taking a bribe of any kind, by an official, in return for taking or refraining from any action for the benefit of the person that gave the bribe or for the benefit of any third person by means of authority or official powers entrusted in this official, -

shall be punishable by a fine of 750 to 1500 tax-free minimum incomes, or imprisonment for a term of two to five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. Taking a bribe of gross amount by an official who occupies a responsible position, or by a group of persons upon their prior conspiracy, or if repeated, or accompanied with requests of a bribe, -

shall be punishable by imprisonment for a term of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years and forfeiture of property.

3. Receiving a bribe in especially great amount by an authorized person in responsible position, or by a group of persons upon proceeding conspiracy, or if repeated, or accompanied by the extortion of a bribe,

is punishable by imprisonment for a term of eight to twelve years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years, with the forfeiture of property.

Note: 1. A bribe of gross amount shall mean a bribe that equals or exceeds of 200 tax-free minimum incomes, and a bribe of especially gross amount shall mean a bribe that equals or exceeds 500 tax-free minimum incomes.

2. Officials who occupy responsible positions shall mean persons referred to in paragraph 1 of the Note to Article 364, whose positions pursuant to Article 25 of the Law of Ukraine "On Civil Service" (3723-12) are referred to the third, forth, fifth and sixth categories, and also judges, prosecutors and investigators, heads and deputy heads of government and public agencies, local government organs, their divisions and units. Officials who occupy especially responsible positions shall mean persons referred to in paragraph 1 of Article 9 of the Law of Ukraine "On Civil Service" and persons whose positions are referred to the first and second categories pursuant to Article 25 of this Law.

3. For the purposes of Articles 368 and 369 of this Code, a repeated offense shall mean an offense committed by a person who had previously committed any of the criminal offenses created by these articles.

4. Request of a bribe shall mean a demand of a bribe by an official accompanied with a threat to take or refrain from any actions through abuse of authority or official position, which may cause any harm to the rights and legal interests of the person who gives the bribe, or willful creation of conditions, by an official, in which a person is compelled to give a bribe to prevent any harmful consequences to his/her rights and legal interests.

Article 369. Giving a bribe

1. Giving a bribe, -

shall be punishable by a fine of 200 to 500 tax-free minimum incomes, or restraint of liberty for a term of two to five years.

2. Repeated giving of a bribe, -

shall be punishable by the imprisonment for a term of three to eight years with or without the forfeiture of property.

3. A person who gave a bribe shall be discharged from criminal liability, if the bribe was requested from this person, or if, after giving the bribe and before any criminal prosecution was initiated against him/her, this person voluntarily reported the fact of bribing to the

agency competent to undertake criminal prosecution.

Article 370. Provocation of bribery

1. Provocation of bribery, that is an intentional creation, by an official, of circumstances and conditions that cause the giving or taking of a bribe, for the purpose of uncovering those who gave or took the bribe, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term of two to five years.

2. The same act committed by a law enforcement official, -

shall be punishable by imprisonment for a term of three to seven years.

**Chapter XVIII.
CRIMINAL OFFENSES AGAINST JUSTICE**

Article 371. Knowingly unlawful apprehension, taking into custody, arrest or detention

1. Knowingly unlawful apprehension or unlawful taking into custody, -

shall be punishable by deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or to restraint of liberty for a term up to three years.

2. Knowingly unlawful arrest or detention, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for the same term.

3 Any such acts as provided for by paragraph 1 or 2 of this Article, where these caused any grave consequences, or were committed for mercenary motives or any other personal benefit, -

shall be punishable by imprisonment for a term of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 371 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 372. Prosecution of a knowingly innocent person

1. Criminal prosecution of a knowingly innocent person by an investigator, prosecutor or any other person authorized by law, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for the same term.

2. The same act accompanied with charges of a grievous or special grievous offense, and also accompanied with fabrication of prosecution evidence or any other falsification, -

shall be punishable by imprisonment for a term of five to ten years.

Article 373. Compelling to testify

1. Compelling to testify during an interview by means of unlawful actions of a person who

conducts the interview or pretrial investigation, -

shall be punishable by restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same actions accompanied with violence or insult in regard to a person without any elements of torture, -

shall be punishable by imprisonment for a term of three to eight years.
(Article 373 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 374. Violation of the right to defense

1. Failure to provide access to a defense attorney in a timely manner, and also any other serious violation of the right of a suspected, accused or defendant to defense, if committed by a inquiring officer, investigator, prosecutor or judge, -

shall be punishable by a fine of 300 to 500 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

2. The same actions that resulted in conviction of an innocent person, or committed by a group of persons upon their prior conspiracy, or where they caused any grave consequences, -

shall be punishable by imprisonment for a term of three to seven years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 375. Delivery of a knowingly unfair sentence, judgment, ruling or order by a judge (or judges)

1. Delivery of a knowingly unfair sentence, judgment, ruling or order by a judge (or judges), -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term of two to five years.

2. The same actions that caused any grave consequences, or committed for mercenary motives or for any other personal benefit, -

shall be punishable by imprisonment for a term of five to eight years.

Article 376. Interference with activity of judicial authorities

1. Any interference with activity of a judge for the purpose of preventing him from performance of his official duties or obtaining an unlawful judgment, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months.

2. The same actions that precluded the prevention of a criminal offence or apprehension of the offender, or committed by a person through abuse of office, -

shall be punishable by deprivation of the right to occupy certain positions or engage in certain activities for a term up to five years, or arrest for a term up to six months, or

imprisonment for a term up to three years.

Article 376-1. Unlawful interference with the work of the automated workflow system of court

1. Willful entering of false data or untimely entering data into automated workflow system of court, unauthorized actions with information, contained in automated workflow system of court, or other interference with the work of the automated workflow system of court, committed by an official entitled to the right of access to the system, or other person through unauthorized access to automated workflow system of the court, -

shall be punishable by a fine of 600 to 1000 tax-free minimum incomes, or restraint of liberty for a term of two to five years, or imprisonment for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term of one to three years,

2. Acts provided for in paragraphs 1 of this Article, if committed by a group of persons upon their prior conspiracy, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for a term of three to six years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term of two to three years.

(This Code is supplemented by Article 376-1 by Law No 1475-VI (1475-17) of 05.06.2009)

Article 377. Threats or violence against a judge, assessor or juror

1. Threats of murder, violence, destruction or impairment of property made in respect of a judge, assessor or juror, and also their close relatives, in connection with their activity related to the administration of justice, -

shall be punishable by correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment for the same term.

2. Willful battery of, or infliction of minor or medium grave bodily injury on a judge, assessor, juror or heir close relatives, in connection with their activity related to the administration of justice, -

shall be punishable by restraint of liberty for a term up to five years, or imprisonment for a term up to six years.

3. Willful infliction of grave bodily injury on a judge, assessor, juror or their close relatives, in connection with their activity related to the administration of justice, -

shall be punishable by imprisonment for a term of five to twelve years.

Article 378. Willful destruction or impairment of property owned by a judge, assessor or juror

1. Willful destruction or impairment of property owned by a judge, assessor or juror or their close relatives, in connection with their activities related to the administration of justice, -

shall be punishable by arrest for a term up to six months, or imprisonment for a term up to five years.

2. The same actions committed by setting fire, explosion, or any other generally dangerous

method, or where they caused death of people or any other grave consequences, -
shall be punishable by imprisonment for a term of six to fifteen years.

Article 379. Trespass against life of a judge, assessor or juror in connection with their activity related to the administration of justice

Murder or attempted murder of a judge, assessor, juror or their close relatives, in connection with their activity related to the administration of justice, -
shall be punishable by imprisonment for a term of eight to fifteen years, or life imprisonment.

Article 380. Failure to ensure safety of persons taken under protection

Failure to make a decision or making an untimely or insufficiently grounded decision, and failure to take or untimely taking of measures, which are sufficient to ensure safety of court members, law enforcement officers, persons involved in criminal proceedings, members of their families and their close relatives, by an official of an agency responsible for safety of the above persons, where these acts caused any grave consequences, -

shall be punishable by imprisonment for a term up to five years.

Article 381. Disclosure of information on safety measures in respect of a person taken under protection

1. Disclosure of information on safety measures in respect of a person taken under protection, by an official who made decisions on these measures, a person who implements these decisions, or a person who became aware of these decisions due to his/her official position, and also by a person taken under protection, where these acts caused any harm to the health of a person taken under protection, -

shall be punishable by a fine of 100 to 300 tax-free minimum incomes, or correctional labor for a term up to two years, or restraint of liberty for a term up to three years.

2. The same actions that caused death of a person taken under protection or any other grave consequences, -

shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up to five years, or imprisonment for the same term.

Article 382. Failure to comply with a judgment

1. Willful failure of an official to comply with a sentence, judgment, ruling or order of a court, which has come into effect, or preclusion of their execution, -

shall be punishable by a fine of 500 to 1000 tax-free minimum incomes, or imprisonment for a term up to three years.

2. The same actions committed by an official, -

shall be punishable by a fine of 750 to 100 tax-free minimum incomes, or imprisonment for a term up to five years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

3. Actions as provided for in paragraphs 1 and 2 of this Article, committed by an official who

occupies a responsible or especially responsible position, or a person previously convicted for the offense created by this Article, or where these actions caused any significant damage to legally protected rights and freedoms of citizens, state and public interests, or interests of legal entities, -

shall be punishable by imprisonment for a term of three to eight years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

4. Willful failure of an official to comply with the judgment of the European Court of Human Rights, -

shall be punishable by imprisonment for a term of three to eight years with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

(Article 382 in version of Law No 2453-VI (2453-17) of 07.07.2010)

Article 383. Intended misreport of a criminal offense

1. Intended misreport of a criminal offense to a court, prosecutor, investigator, or inquiring body, -

shall be punishable by correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment for a term up to two years.

2. The same actions accompanied with accusation of a person in a grave or special grave offense, or fabrication of prosecution evidence, or committed for mercenary motives, -

shall be punishable by restraint of liberty for a term of two five years, or imprisonment for the same term.

Article 384. Knowingly false testimony

1. Any knowingly false testimony by a witness or victim, or any knowingly false opinion presented by an expert during the inquiry, pretrial investigation, investigation by an ad-hoc investigation commission or an ad-hoc special commission of the Verkhovna Rada (Parliament) of Ukraine, or in court, and also any knowingly false interpretation/translation made by an interpreter/translator in the same cases, -

shall be punishable by correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to two years.

2. The same actions accompanied with accusations in a grave or special grave offense, or with the fabrication of prosecution or defense evidence, and also committed for mercenary motives, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for a term up to five years, or imprisonment for a term of two to five years.

(Article 384 as amended by Laws No 2456-IV (2456-15) of 03.03.2005, No 890-VI (890-17) of 15.01.2009 – the Law has been acknowledged to be unconstitutional by the Decision of the Constitutional Court No 20-пг/2009 (v020p710-09) of 10.09.2009)

Article 385. Refusal of a witness to testify, or refusal of an expert or interpreter/translator to perform their duties

1. A groundless refusal of a witness to testify, or an expert or interpreter/translator to perform their duties in court or during pretrial investigation, investigation by an ad-hoc investigation commission or an ad-hoc special commission of the Verkhovna Rada (Parliament) of Ukraine, or inquiry, -

shall be punishable by a fine of 50 to 300 tax-free minimum incomes, or arrest for a term up to six months.

2. A person who refuses to testify against himself/herself, members of his/her family or close relatives whose circle is stipulated by law, during an inquiry, pretrial investigation or in court, shall not be criminally liable.

(Article 385 as amended by Laws No 2456-IV (2456-15) of 03.03.2005, No 890-VI (890-17) of 15.01.2009 – the Law has been acknowledged to be unconstitutional by the Decision of the Constitutional Court No 20-пр/2009 (v020p710-09) of 10.09.2009

Article 386. Preclusion of appearance of a witness, victim or expert, or compulsion to testify or give an opinion

Preclusion of appearance of a witness, victim or expert before a court, pretrial investigation authorities, ad-hoc investigation commissions and ad-hoc special commissions of the Verkhovna Rada of Ukraine, or inquiry authorities, or compulsion of the above persons to testify or give an opinion, and also give any knowingly false testimony or opinion, by threats of murder, violence, destruction of property of these persons or their close relatives, or disclosure of defamatory information about them, or tampering with a witness, victim or expert for the same purposes, and also any threats to commit any such actions as a revenge for any previously presented testimony or opinion, -

shall be punishable by a fine of 50 to 300 tax-free minimum incomes, or correctional labor for a term up to two years, or to arrest for a term up to six months.

(Article 386 as amended by Laws No 890-VI (890-17) of 15.01.2009 – the Law has been acknowledged to be unconstitutional by the Decision of the Constitutional Court No 20-пр/2009 (v020p710-09) of 10.09.2009

Article 387. Disclosure of information on pretrial investigation or inquiry

1. Disclosure of information on preliminary investigation or inquiry by a person who was notified, in a manner prescribed by law, of his/her obligation not to disclose any such information, provided that this disclosure was not authorized by a prosecutor, investigator, or a person who conducted inquiry or pretrial investigation, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or correctional labor for a term up to two years.

2. Disclosure of information on preliminary investigation or inquiry by a judge, prosecutor, investigator, inquiry officer, detective officer, whether or not this person was directly involved in such pretrial investigation or inquiry, where this information defames a person, derogates his/her honor and dignity, -

shall be punishable by a fine of 100 to 300 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 388. Illegal actions in relation to the property, which is seized or distressed, or subject to forfeiture

1. Embezzlement, alienation, concealment, replacement, damage, destruction of property, or other illegal activities with the property, which is seized or distressed, or the violation of restrictions on the right to use such property, committed by a person who is entrusted with property, as well as implementation of a representative bank or other financial institution of banking operations (deposits), which are seized, -

shall be punishable by a fine of 200 to 500 tax-free minimum incomes, of two to five years, , or correctional labor for a term up to two years, or restraint of liberty for the same term, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term of one to three years

2. Acts provided for in paragraphs 1 of this Article, if committed concerning property, subject to forfeiture under court decision, which gained legal validity, -

shall be punishable by a fine of 300 to 600 tax-free minimum incomes, or restraint of liberty for the a term up to three years, with or without the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.
(Article 388 in version of Law No 2456-IV (2456-15) of 03.03.2005)

Article 389. Avoidance of any punishment other than imprisonment

1. Avoidance of fine or deprivation of the right to occupy certain positions or engage in certain activities by a person on whom it was imposed, -

shall be punishable by correctional labor for a term up to two years, or restraint of liberty for the same term.

2. Avoidance of community service or correctional labor by a person on whom it was imposed, -

shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up to three years.

Article 390. Avoidance of restraint of liberty or imprisonment

1. Unauthorized leaving of the place of restraint of liberty, or persistent avoidance of work, or systematic violation of public order or established rules of residency, by a person sentenced to restraint of liberty, -

shall be punishable by imprisonment for a term up to three years.

2. Failure of a person sentenced to restraint of liberty, who was allowed to leave for a short period of time, to return to the place of serving the sentence by the end of the leave period, -

shall be punishable by restraint of liberty for a term up to two years, or imprisonment for the same term.

3. Failure of a person sentenced to imprisonment, who was allowed to leave for a short period of time, to return to the place of serving the sentence by the end of the leave period, -

shall be punishable by imprisonment for a term up to three years.

Article 391. Persistent disobedience to authorities of a correctional institution

Persistent disobedience to lawful requirements of authorities of a correctional institution, or any other resistance to lawful actions of such authorities in discharge of their functions, by a person who serves a sentence of restraint of liberty or imprisonment, where that person had been penalized for his/her misconduct by placement in a separate cell or a more restricted regime of service within one year,

shall be punishable by imprisonment for a term up to three years.
(Article 391 as amended by Law No 1254-VI (1254-17) of 14.04.2009)

Article 392. Disorganization of activity of correctional institutions

Terrorization of inmates or attacks on the authorities of correctional institutions, and also creation of an organized group for any such purposes or active participation in that group, by persons who serve their sentence of imprisonment or restraint of liberty, -

shall be punishable by imprisonment for a term of five to ten years.
(Article 392 as amended by Law No 1254-VI (1254-17) of 14.04.2009)

Article 393. Escape from a penitentiary institution or custody

1. Escape from a penitentiary institution or custody by a person who serves his/her sentence of imprisonment or arrest, or who is under pretrial detention, -

shall be punishable by imprisonment for a term of three to five years.

2. The same actions, if repeated, or committed by a group of persons upon their prior conspiracy, or by a method dangerous to lives and health of other persons, or accompanied with capturing or use of weapons, or violence, or threats of violence, or undermining, and also with endamage of technical security facilities, -

shall be punishable by imprisonment for a term of five to eight years.

Article 394. Escape from a specialized treatment facility

Escape from a specialized treatment facility, or on the way to it, -

shall be punishable by arrest for a term up to six months, or imprisonment for a term up to two years.

Article 395. Violation of rules related to administrative supervision

Unauthorized leaving of a place of residence by a person for the purpose of avoidance of administrative supervision, and also ungrounded failure of a person, who was placed under administrative supervision after release from a penitentiary institution, to arrive at the appointed time to the determined place of residence, -

shall be punishable by arrest for a term up to six months.

Article 396. Concealment of a criminal offense

1. Unpromised concealment of a grave or special grave criminal offense, -

shall be punishable by arrest for a term up to three months, or restraint of liberty for a term up to three years, or imprisonment for the same term.

2. Family members or close relatives of an offender, as determined by law, shall not be

subject to criminal liability for unpromised concealment of a criminal offense.

Article 397. Interference with activity of a defense attorney or legal agent

1. Any interference with lawful activity of a defense attorney or legal agent, or violation of legal guaranties of their activity and professional secrets, -

shall be punishable by a fine of 100 to 200 tax-free minimum incomes, or correctional labor for a term up to two years, or arrest for a term up to six months, or restraint of liberty for a term up to three years.

2. The same actions committed by a person through abuse of office, -

shall be punishable by a fine of 300 to 500 tax-free minimum incomes, or restraint of liberty for a term up to three years, with the deprivation of the right to occupy certain positions or engage in certain activities for a term up to three years.

Article 398. Threats or violence against a defense attorney or legal agent

1. Threats of murder, violence, destruction or impairment of property made in respect of a defense attorney or legal agent, and also their close relatives, in connection with their legal assistance, -

shall be punishable by arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment for the same term.

2. Willful battery of, or infliction of minor or medium grave bodily injury on a defense attorney or legal agent or heir close relatives, in connection with their legal assistance, -

shall be punishable by restraint of liberty for a term of three to five years, or imprisonment for the same term.

3. Willful infliction of grave bodily injury on the same persons, in connection with their legal assistance, -

shall be punishable by imprisonment for a term of seven to twelve years.

Article 399. Willful destruction or impairment of property owned by a defense attorney or legal agent

1. Willful destruction or impairment of property owned by a defense attorney or legal agent or their close relatives, in connection with their legal assistance, -

shall be punishable by a fine of 50 to 100 tax-free minimum incomes, or arrest for a term up to six months, or restraint of liberty for a term up to three years, or imprisonment for the same term.

2. The same actions committed by setting fire, explosion, or any other generally dangerous method, or where they caused damages in especially gross amount, -

shall be punishable by imprisonment for a term of five to eight years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if they caused death of people, grave bodily injuries or any other grave consequences, -

shall be punishable by imprisonment for a term of eight to fifteen years.

Article 400. Trespass against life of a defense attorney or legal agent in connection with their activity related to the administration of justice

Murder or attempted murder of a defense attorney or legal agent or their close relatives, in connection with their legal assistance, -

shall be punishable by imprisonment for a term of eight to fifteen years, or life imprisonment.

Chapter XIX.
CRIMINAL OFFENSES AGAINST THE ESTABLISHED PROCEDURE OF MILITARY SERVICE (MILITARY OFFENSES)

Article 401. Definition of a military offense

1. Military offenses are the offenses created by this Chapter and committed by military servants, and also registrants during their training (or checkup) or special sessions, in violation of the established procedure of military service.

2. Appropriate articles of this Chapter establish the liability of members of the Armed Forces of Ukraine, the Security Service of Ukraine, the Border Troops of Ukraine, Internal Troops of the Ministry of Internal Affairs of Ukraine, and other military formations established in compliance with the laws of Ukraine, State Special Transport Service, and also other persons specified in the law.
(Paragraph 2 of Article 401 as amended by Law No 1414-VI (1414-17) of 02.06.2009)

3. Persons not specified in this Article shall be criminally liable for complicity in military offenses under appropriate articles of this Chapter.

4. Persons, who committed a criminal offense created by this Chapter, may be discharged from criminal liability under Article 44 of this Code subject to imposition of measures provided for by the Disciplinary Statute of the Armed Forces of Ukraine (551-14).
(Article 401 as amended by Law No 662-IV (662-15) of 03.04.2003 – enters into force on 01.08.2003)

Article 402. Disobedience

1. Disobedience, that is an open refusal to comply with orders of a commander, and also any other willful failure to comply with orders, -

shall be punishable by service restrictions for a term up to two years, or custody in a penal battalion for a term up to two years, or imprisonment for a term up to three years.

2. The same acts committed by a group of persons, or where they caused any grave consequences, -

shall be punishable by imprisonment for a term of three to seven years.

3. Disobedience committed in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of five to ten years.

Article 403. Failure to comply with orders

1. Failure to comply with orders of a commander upon absence of elements specified in paragraph 1 of Article 402 of this Code, where it caused any grave consequences, -

shall be punishable by service restrictions for a term up to two years, or custody in a penal battalion for a term up to one year, or imprisonment for a term up to two years.

2. The same acts committed in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of three to seven years.

Article 404. Resistance to a commander or coercion of a commander into breaching the official duties

1. Resistance to a commander or any other person acting in discharge of military service duties, or coercion of these persons into breaching their duties, -

shall be punishable by service restrictions for a term up to two years, or detention in a disciplinary battalion for a term up to two years, or imprisonment for a term of two to five years.

2. The same acts committed by a group of persons, or with the use of weapons, or where they caused any grave consequences, -

shall be punishable by imprisonment for a term of three to eight years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if they were committed in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of three to twelve years.

4. Any such acts as provided for by paragraph 2 or 3 of this Article, if they involved murder of a commander or any other person acting in discharge of military service duties, -

shall be punishable by imprisonment for a term of ten to fifteen years, or life imprisonment.

Article 405. Threats or violence against a commander

1. Threats of murder, or causing bodily injury to or battery of a commander, or threats of destruction of his/her property in connection with his military service duties, -

shall be punishable by custody in a penal battalion for a term up to two years, or imprisonment for the same term.

2. Bodily injury, battery or any other violent acts in respect of a commander in connection with his/her military service duties, -

shall be punishable by imprisonment for a term of two to seven years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if committed by a group of persons, or with the use of weapons, or in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of five to ten years.

Article 406. Violation of statutory rules of conduct of military servants not subordinated to each other

1. Violation of statutory rules of conduct of military servants not subordinated to each other, involving battery or any other violence, -

shall be punishable by arrest for a term up to six months, or custody in a penal battalion for a term up to one year, or imprisonment for a term up to three years.

2. The same act committed in respect of a several persons, or where it caused minor or medium grave bodily injury, or involved humiliation or debasement of a military serviceman, -

shall be punishable by custody in a penal battalion for a term up to two years, or imprisonment for a term of two to five years.

3. Any such acts as provided for in paragraph 1 or 2 of this Article, if committed by a group of persons, or with the use of weapons, or where they caused any grave consequences, -

shall be punishable by imprisonment for a term of three to ten years.

Article 407. Absence without leave from a military unit or place of service

1. Absence of an active military serviceman from a military unit or place of service without leave, or failure to timely report for duty without a reasonable excuse after a leave, or upon appointment or reassignment, or failure to report for duty after a detached service, vacation or treatment in a medical facility for more than three days but less than one month, -

shall be punishable by custody in a penal battalion for a term up to two years, or imprisonment for a term up to three years.

2. Absence of a military serviceman (other than in active service) from a military unit or place of service without leave, or failure to timely report for duty without a reasonable excuse for more than ten days but less than one month, or for less than ten days but more than three days if repeated during one year, -

shall be punishable by a fine of 100 tax-free minimum incomes or service restrictions for a term up to two years, or imprisonment for a term up to three years.

3. Absence of persons specified in paragraph 1 and 2 of this Article from a military unit or place of service without leave, or failure to timely report for duty without a reasonable excuse for more than one month, -

shall be punishable by imprisonment for a term of two to five years.

4. Absence from a military unit or place of service without leave, or failure to timely report for duty without a reasonable excuse in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of five to ten years.

Article 408. Desertion

1. Desertion, that is the absence from a military unit or place of duty without leave for the purpose of avoiding the military service, or failure to report for duty upon appointment or reassignment, after a detached service, vacation or treatment in a medical facility for the same purpose, -

shall be punishable by imprisonment for a term of two to five years.

2. Desertion with weapons or of a group of persons upon their prior conspiracy, -
shall be punishable by imprisonment for a term of five to ten years.

3. Any such act as provided for by paragraph 1 or 2 of this Article, if committed in state of martial law or in a battle, -
shall be punishable by imprisonment for a term of five to twelve years.

Article 409. Evasion of military service by way of self-maiming or otherwise

1. Evasion of military service by a military serviceman by way of self-maiming or malingering, or forgery of documents, or any other deceit, -
shall be punishable by custody in a penal battalion for a term up to two years, or imprisonment for the same term.

2. Refusal to comply with the duties of military service, -
shall be punishable by imprisonment for a term of two to five years.

3. Any such acts as provided for by paragraph 1 or 2, if committed in state of martial law or in a battle, -
shall be punishable by imprisonment for a term of five to ten years.

Article 410. Stealing, appropriation, extortion or fraudulent obtaining of weapons, ammunitions, explosive or other warfare substances, vehicles, military or special enginery, or other munitions, or abuse of office, by a military serviceman

1. Stealing, appropriation, extortion or fraudulent obtaining of weapons, ammunitions, explosive or other warfare substances, vehicles, military or special enginery, or other munitions, by a military serviceman, -
shall be punishable by imprisonment for a term of three to eight years.

2. The same actions committed by a military official with the abuse of office, or repeated, or committed by a group of persons upon their prior conspiracy, or where they causes any significant damage, -
shall be punishable by imprisonment for a term of five to ten years.

3. Any such actions as provided for by paragraph 1 or 2 of this Article, if committed in state of martial law or in a battle, brigandism for the purpose of taking possession of weapons, ammunitions, explosive or other warfare substances, vehicles, military or special enginery, and also extortion of these items accompanied with violence dangerous to the victim's life and health, -
shall be punishable by imprisonment for a term of ten to fifteen years.

Article 411. Willful destruction or engdamagement of munitions

1. Willful destruction or endamagegment of weapons, ammunitions, vehicles, military or special enginery or any other munitions, -
shall be punishable by service restrictions for a term up to two years, or custody in a penal

battalion for the same term, or imprisonment for a term up to three years.

2. The same actions committed by setting a fire or any other generally dangerous method, or where they caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of three to eight years.

3. Any such acts as provided for by paragraph 2 of this Article, if committed in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of five to ten years.

Article 412. Negligent destruction or endamagement of munitions

1. Negligent destruction or endamagement of weapons, ammunitions, vehicles, military or special enginery or any other munitions, where it causes damage of gross amount, -

shall be punishable by a fine up to 50 tax-free minimum incomes, or service restrictions for a term up to two years, or custody in a penal battalion for a term up to one year.

2. The same acts that caused death of people or any other grave consequences, -

shall be punishable by custody in a penal battalion for a term up to two years, or imprisonment for a term up to tree years.

Article 413. Waste or loss of munitions

(Paragraph 1 of Article 413 is excluded by Law No 270-VI (270-17) of 15.04.2008)

2. Loss or destruction of weapons, ammunitions, vehicles, materiel or any other munitions provided for official use, due to violation of safekeeping regulations, -

shall be punishable by arrest for a term up to six months, or custody in a penal battalion for a term up to two years, or imprisonment for the same term.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if committed in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of two to five years.

(Article 413 as amended by Law No 270-VI (270-17) of 15.04.2008)

Article 414. Violation of rules related to handling of weapons, and also substances and objects of increased danger to the surroundings

1. Violation of rules on handling of weapons, ammunitions, explosive, radioactive and other substances and objects of increased danger to the surroundings, where it caused bodily injuries to the victim, -

shall be punishable by service restrictions for a term up to two years, or custody in a penal battalion for the same term, or imprisonment for a term up to three years.

2. The same act that caused bodily injuries to several persons or death of the victim, -

shall be punishable by imprisonment for a term of two to ten years.

3. Any such act as provided by paragraph 1, where it caused death to several persons or any

other grave consequences, -

shall be punishable by imprisonment for a term of three to twelve years.
(Article 414 as amended by Law No 1071-V (1071-16) of 24.05.2007)

Article 415. Violation of rules related to driving or vehicle operation

1. Violation of rules related to driving or operation of warfare, special or transport vehicles, where it caused medium grave or grave bodily injuries or death of a victim, -

shall be punishable by imprisonment for a term of two to five years.

2. Any such act as provided for by paragraph 1 of this Article, where it caused death of several persons, -

shall be punishable by imprisonment for a term of five to ten years.

Article 416. Violation of rules related to flights or flight training

Violation of rules related to flights or flight training, and also violation of rules of aircraft operation, which caused a crash or any other grave consequences, -

shall be punishable by imprisonment for a term of five to fifteen years.

Article 417. Violation of navigation rules

Violation of rules of navigation that caused death of people, loss of a ship or any other grave consequences, -

shall be punishable by imprisonment for a term of five to fifteen years.

Article 418. Violation of statutory rules of guard or patrol duty

1. Violation of statutory rules of guard or patrol duty, where it resulted in grave consequences which should have been prevented by such guard or patrol duty, -

shall be punishable by restraint of liberty for a term of two to five years, or imprisonment for the same term.

2. Any such acts as provided for by paragraph 1 of this Article, if committed in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of three to eight years.

Article 419. Violation of statutory rules of border guard duty

1. Violation of statutory rules of border guard duty by a member of a unit guarding the border of Ukraine, where it caused any grave consequences, -

shall be punishable by imprisonment for a term of three to eight years.
(Article 419 in version of Law No 270-VI (270-17) of 15.04.2008)

Article 420. Violation of statutory rules of alert duty

1. Violation of statutory rules of alert duty established for timely detection and repelling of an sudden attack on Ukraine or for the protection and security of Ukraine, if it caused any

grave consequences, -

shall be punishable by imprisonment for a term of three to eight years.

2. Any such act as provided for by paragraph 1 of this Article, if committed in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of five to ten years.
(Article 420 in version of Law No 270-VI (270-17) of 15.04.2008)

Article 421. Violation of statutory rules of routine duty

1 Violation of statutory rules of routine duty by a person who was on daily duty (other than on guard or watch duty) in a military unit, where it caused any grave consequences, prevention of which was a part of that person's duty, -

shall be punishable by custody in a penal battalion for a term up to two years, or imprisonment for a term up to three years.

2. The same act committed in state of martial law or in a battle, -

shall be punishable by imprisonment for a term up to five years.

Article 422. Disclosure of military information that constitutes state secret or loss of documents or materials that contain any such information

1. Disclosure of military information that constitutes state secret, where no elements of high treason are involved, -

shall be punishable by imprisonment for a term of two to five years.

2. Loss of documents or material that contain military information that constitutes state secret or loss of things, the information on which constitutes state secret, by a person to whom they were entrusted, where the loss happens as a result of violation of rules related to handling of any such documents, material or things, -

shall be punishable by imprisonment for a term of two to five years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if they caused any grave consequences, -

shall be punishable by imprisonment for a term of five to ten years.

Article 423. Abuse of authority or official position by a military official

1. Unlawful use of vehicles, buildings or other munitions, unlawful use of a subordinate to provide personal services or services to other persons, and any other abuse of authority or official position committed for selfish motives or any other personal interest or interest of any third persons, where it caused any significant damage, -

shall be punishable by a fine of 50 to 100 tax free minimum incomes, or service restrictions for a term up to two years, or imprisonment for a term up to three years.

2. The same act that caused any grave consequences, -

shall be punishable by imprisonment for a term of three to six years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if committed in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of five to ten years.

Note: 1. Military officials shall mean any military commanders and any other military servants who occupy, permanently or temporary, positions related to administrative or managerial functions, or are commissioned to perform any such duties by the command authority.

2. In Articles 423 to 426 of this Code, the significant damage shall mean the damage that equals or exceeds 250 tax-free minimum incomes, provided the damage implies material losses, while the grave consequences under the same condition shall mean the damage that equals or exceeds 500 tax-free minimum incomes.

(Article 423 in version of Law No 270-VI (270-17) of 15.04.2008)

Article 424. Excess of authority or official powers by a military official

1. Excess of authority or official powers by a military official, that is willful actions that manifestly exceed the scope of rights or authority vested in this person - except those provided for in paragraph 2 of this Article - where these acts cause any significant damage, -

shall be punishable by restraint of liberty for a term of two to five years, or imprisonment for the same term.

2. Use of non-statutory measures of influence in respect of a subordinate or excess of disciplinary authority that caused any significant damage, and also violence in respect of a subordinate, -

shall be punishable by imprisonment or three to seven years.

3. Any such acts as provided by paragraph 2 of this Article, if committed with the use of weapons, and also the act envisaged by paragraphs 1 or 2 of this Article, if it caused any grave consequences, -

shall be punishable by imprisonment for a term of five to ten years.

4. Any such acts as provided for by paragraphs 1, 2 or 3 of this Article, if committed in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of eight to twelve years.

Article 425. Neglect of duty in military service

1. Neglect of duty in military service that caused any significant damage, -

shall be punishable by a fine up to 100 tax-free minimum incomes, or service restrictions for a term up to two years, or imprisonment for a term up to three years.

2. The same act that caused any grave consequences, -

shall be punishable by imprisonment for a term of three to seven years.

3. Any such acts as provided for by paragraph 1 or 2 of this Article, if committed in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of five to eight years.

Article 426. Omissions of military authorities

1. Willful failure to prevent a crime committed by a subordinate, or failure of a military inquiry authorities to institute a criminal case against a subordinate offender, and also willful failure of a military official to act in accordance with his/her official duties, if it caused any significant damage, -

shall be punishable by a fine of 50 to 200 tax-free minimum incomes, or service restrictions for a term up to two years, or imprisonment for a term up to three years.

2. The same acts that caused any grave consequences, -

shall be punishable by imprisonment for a term of three to seven years.

3. Any such acts as provided by paragraph 1 or 2 of this Article, if committed in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of seven to ten years.

Article 427. Surrender or abandoning of means of war to an enemy

Surrender of military forces to the enemy by a commander, to whom they were entrusted, and also abandoning of fortifications, military or special engineering or any other means of war to the enemy not justified by the battle conditions, where it was done with no intent to aid the enemy, -

shall be punishable by imprisonment for a term of three to ten years.

Article 428. Abandoning of a perishing ship of war

1. Abandoning of a perishing ship of war by a commander who has not fully discharged his/her duties or by a member of the crew without the commander's appropriate order, -

shall be punishable by imprisonment for a term of three to eight years.

2. The same act committed in state of martial law or in a battle, -

shall be punishable by imprisonment for a term of seven to ten years.

Article 429. Unauthorized leaving of a battlefield or refusal to use weapons

Unauthorized leaving of a battlefield during a battle or refusal to use weapons in a battle, -

shall be punishable by imprisonment for a term of five to ten years.

Article 430. Voluntary rendering oneself prisoner of war

Voluntarily rendering oneself prisoner of war due to cowardice and pusillanimity, -

shall be punishable by imprisonment for a term of seven to ten years.

Article 431. Criminal actions of a prisoner of war

1. Voluntarily participation of a prisoner of war in any works of military importance or any other activities that may be detrimental to Ukraine or its allies, where it involves no elements of high treason, -

shall be punishable by imprisonment for a term of three to seven years.

2. Violence or cruelty of a senior prisoner of war in respect of other prisoners of war, -

shall be punishable by imprisonment for a term of five to eight years.

3. Actions taken by prisoner of war to the detriment of other prisoners of war for selfish motives or to win indulgent treatment of the enemy, -

shall be punishable by imprisonment for a term up to three years.

Article 432. Marauding

Stealing things of the killed or wounded persons at a battlefield (marauding), -

shall be punishable by imprisonment for a term of three to ten years.

Article 433. Violence against population in an operational zone

1. Violence, unlawful destruction or taking of property under the pretext of military necessity, which were committed in respect of population in an operational zone, -

shall be punishable by imprisonment for a term of three to eight years.

2. Brigandism committed in respect of local population in an operational zone, -

shall be punishable by imprisonment for a term of seven to ten years.

Article 434. Ill treatment of prisoners of war

Repeatedly ill treatment of prisoners of war, or any such treatment combined with exceptional cruelty or committed in respect of sick or wounded persons, and also negligent performance of duty in respect of sick or wounded persons by persons required to provide medical treatment and care to them, where it involved no elements of a more grave criminal offense, -

shall be punishable by imprisonment for a term up to three years.

Article 435. Unlawful use or misuse of the Red Cross, Red Crescent, Red Crystal symbols
(The title of Article 435 as amended by Law No 1675-VI (1675-17) of 22.10.2009)

Carrying the Red Cross, Red Crescent and Red Crystal symbols in an operational zone by persons not entitled to do so, and also misuse of flags or signs of the Red Cross and Red Crescent and Red Crystal or the colors attributed to medical vehicles in state of martial law, -

(Item 1 of Article 435 as amended by Law No 1675-VI (1675-17) of 22.10.2009)

shall be punishable by imprisonment for a term up to two years.

Chapter XX.

CRIMINAL OFFENSES AGAINST PEACE, SECURITY OF MANKIND AND INTERNATIONAL LEGAL ORDER

Article 436. Propaganda of war

Public calls to an aggressive war or an armed conflict, and also making of materials with calls to any such actions for distribution purposes or distribution of such materials, -

shall be punishable by correctional labor for a term up to two years, or arrest for a term up to six months, or imprisonment for a term up to three years.

Article 437. Planning, preparation and waging of an aggressive war

1. Planning, preparation or waging of an aggressive war or armed conflict, or conspiring for any such purposes, -

shall be punishable by imprisonment for a term of seven to twelve years

2. Conducting an aggressive war or aggressive military operations, -

shall be punishable by imprisonment for a term of ten to fifteen years.

Article 438. Violation of rules of the warfare

1. Cruel treatment of prisoners of war or civilians, deportation of civilian population for forced labor, pillage of national treasures on occupied territories, use of methods of the warfare prohibited by international instruments, or any other violations of rules of the warfare recognized by international instruments consented to by binding by the Verkhovna Rada (Parliament) of Ukraine, and also giving an order to commit any such actions, -

shall be punishable by imprisonment for a term of eight to twelve years.

2. The same acts accompanied with an intended murder, -

shall be punishable by imprisonment for a term of ten to fifteen years, or life imprisonment.

Article 439. Use of weapons of mass destruction

1. The use of weapons of mass destruction prohibited by international instruments consented to be binding by the Verkhovna Rada of Ukraine, -

shall be punishable by imprisonment for a term of eight to twelve years.

2. The same act that caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of eight to fifteen years, or life imprisonment.

Article 440. Development, production, purchasing, storage, distribution or transportation of weapons of mass destruction

Development, production, purchasing, storage, distribution or transportation of weapons of mass destruction prohibited by international instruments consented to be binding by the Verkhovna Rada of Ukraine, -

shall be punishable by imprisonment for a term of three to ten years.

Article 441. Ecocide

Mass destruction of flora and fauna, poisoning of air or water resources, and also any other actions that may cause an environmental disaster, -

shall be punishable by imprisonment for a term of eight to fifteen years.

Article 442. Genocide

1. Genocide, that is a willfully committed act for the purpose of total or partial destruction of any national, ethnic, racial, or religious group by extermination of members of any such group or inflicting grave bodily injuries on them, creation of life conditions aimed at total or partial physical destruction of the group, decrease or prevention of childbearing in the group, or forceful transferring of children from one group to another, -

shall be punishable by imprisonment for a term of ten to fifteen years, or life imprisonment.

2. Public calls to genocide, and also making any materials with calls to genocide for the purpose of distribution, or distribution of such materials, -

shall be punishable by arrest for a term up to six months, or imprisonment for a term up to five years.

Article 443. Trespass against life of a foreign state representative

Trespass against life of a foreign state representative or any other person who enjoys international protection for the purpose of influencing the nature of their activity or activity of their states or organizations, or for the purpose of provoking a war or international complications, -

shall be punishable by imprisonment for a term of eight to fifteen years, or life imprisonment.

Article 444. Criminal offenses against internationally protected persons and institutions

1. Attacks on official premises or private accommodations of internationally protected persons, and also kidnapping or confinement of such persons for the purpose of influencing the nature of their activity or the activity of their states or organizations, or for the purpose of provoking a war or international complications, -

shall be punishable by imprisonment for a term of three to eight years.

2. A threat to commit any such actions as provided for by paragraph 1 of this Article, -

shall be punishable by correctional labor for a term up to two years, or arrest for a term up to three months, or restraint of liberty for a term up to three years, or imprisonment for a term up to two years.

Article 445. Illegal use of symbols of Red Cross, Red Crescent, Red Crystal
(The title of Article 445 as amended by Law No 1675-VI (1675-17) of 22.10.2009)

Illegal use of symbols of Red Cross and Red Crescent, Red Crystal other than in cases provided for by this Code, - (Item 1 of Article 445 as amended by Law No 1675-VI (1675-17) of 22.10.2009)

shall be punishable by a fine up to 50 tax-free minimum incomes, or arrest for a term up to

six month.

Article 446. Piracy

1. Piracy, that is the use of a vessel, whether armed or not, for capturing any other sea or river vessel, and violence, robbery or any other hostile actions against the crew or passengers of such vessel, for the purpose of pecuniary compensation or any other personal benefits, -

shall be punishable by imprisonment for a term of five to twelve years with the forfeiture of property.

2. The same acts, if repeated, or where they caused death of people or any other grave consequences, -

shall be punishable by imprisonment for a term of eight to fifteen years with the forfeiture of property.

Article 447. Mercenaries

1. Recruiting, financing, supplying and training of mercenaries for the purpose of using them in armed conflicts of other states or violent actions aimed at overthrowing of government or violation of territorial integrity, and also the use of mercenaries in war conflicts or operations, -

shall be punishable by imprisonment for a term of three to eight years.

2. Participation in armed conflicts of other states for the purpose of pecuniary compensation without authorization obtained from appropriate government authorities, -

shall be punishable by imprisonment for a term of five to ten years.

FINAL AND TRANSITIONAL PROVISIONS

Chapter I

1. This Code shall enter into force on September 1, 2001.

2. As this Code enters into force, the following legislation shall lose its effect:

Criminal Code of the Ukrainian Soviet Socialist Republic (2001-05, 2002-05) of December 28, 1960 (Vidomosti of the Verkhovna Rada of the Ukrainian SSR, 1961, No. 2, p. 14) as amended, except for the List of property which is not subject to forfeiture under the court's ruling (Annex to this Code);

Law of the Ukrainian SSR " On Adoption of the Criminal Code of the Ukrainian SSR" (2000-05) (Vidomosti of the Verkhovna Rada of the Ukrainian SSR, 1961, No. 2, p 14);

Articles 1, 2 and 5 of the Decree of the Presidium of the Verkhovna Rada (Parliament) of Ukrainian SSR (2000-05) of April 20, 1990 "On Liability for actions breaching the public order and safety of citizens" (9082-11) (Vidomosti of the Verkhovna Rada of the Ukrainian SSR, 1990, No. 18, p. 278);

Decree by the Presidium of the Verkhovna Rada of Ukrainian SSR of December 26, 1990 "On Liability for Violation of the Procedures on the Use of Consumer Cards for Purchase of Goods and Other Official Documents" (596-12) (Vidomosti of the Verkhovna Rada of the

Ukrainian SSR, 1991, No. 3, p. 13);

Article 3 of the Decree of the Presidium of Verkhovna Rada of Ukrainian SSR of January 28, 1991 "On Liability for Violation of Requirements Related to the Radiation Safety Regime, Procurement, Processing and Sale of Foodstuffs Contaminated by Radiation" (661-12) (Vidomosti of the Verkhovna Rada of the Ukrainian SSR, 1991, No. 11, p. 106);

Decree by the Presidium of the Verkhovna Rada of Ukraine of January 21, 1992 "On Liability for the Counterfeit of Nonexpendable Coupons for Sale Purposes and Sale of Such Coupons" (2049-12) (Vidomosti of the Verkhovna Rada of Ukraine, 1992, No. 18, p. 246).

3. The Cabinet of Ministers shall prepare and submit to the Verkhovna Rada of Ukraine the list of legislative acts, which shall be abrogated due to the entry force of this Code within three months from the date of publication of this Code.

Chapter II

1. The following persons, who were sentenced under the 1960 Criminal Code of Ukraine (2001-05), (2002-05) for actions that entail no liability under this Code, shall be discharged from punishment (primary and additional) pursuant to paragraph 2 of Article 74 of this Code:

a) persons sentenced under paragraph 3 of Article 5 of the 1960 Criminal Code of Ukraine;

б) persons sentenced for preparation of a criminal offense under paragraph 1 of Article 17 and relevant articles of the Special Part of the 1960 Criminal Code of Ukraine, if these criminal offenses are minor;

в) persons sentenced under Articles 108-1, 110, 134-1, 125, 126, 147-2, 147-3, 149, 154, 155-2, 155-3, 155-5, 155-6, 159, 169, 176-3, 183-2, 183-4, 187, 187-7, 187-8, 189, 189-1, 193-1, 199, 202, 206 (paragraph 1), 208-1, 208-2, 229-8, 237 of the 1960 Criminal Code of Ukraine;

г) persons sentenced under paragraph 1 of Article 133, Articles 147 (paragraph 1), 148-3, 161 (paragraph 1), 187-4, 187-8, 192 (paragraph 3), 196-1 (paragraph 1), 199 (paragraphs 1 and 2), 207-1, 227-2 (paragraph 1) applied pursuant to the 1960 Criminal Code of Ukraine on condition that prior administrative penalties were imposed on these persons;

г') persons sentenced for criminal offenses committed between 14 and 16 years of age and created by Articles 78-1, 97, 98, 106 (paragraph 1) of the 1960 Criminal Code of Ukraine;

д) persons sentenced under Article 186 of the 1960 Criminal Code of Ukraine (other than those sentenced for unpromised in advance covering up of a grave or special grave criminal offense), and also persons defined in paragraph 2 of Article 396 of this Code, sentenced for the unpromised in advanced covering up under Article 186 of the 1960 Criminal Code of Ukraine;

е) persons sentenced under Decree by the Presidium of the Verkhovna Rada of Ukrainian SSR of December 26, 1990 "On Liability for Violation of the Procedures on the Use of Consumer Cards for Purchase of Goods and Other Official Documents" (596-12) and Decree by the Presidium of the Verkhovna Rada of Ukraine of January 21, 1992 "On Liability for the Counterfeit of Nonexpendable Coupons for Sale Purposes and Sale of Such Coupons" (2049-12).

2. The following shall be discharged from punishment:

a) persons sentenced for the first time to imprisonment for minor criminal offenses committed under 18 years of age pursuant to paragraph 2 of Article 12 and paragraph 2 of Article 102 of this Code;

b) military servants sentenced to custody in a penal battalion for a term up to six months;

b) persons sentenced under paragraph 1 of Article 29 of the 1960 Criminal Code of Ukraine, who serve their sentence in any places other than the place of employment but at the area of their residence, and also persons sentenced to correctional labor without imprisonment for a term up to six months.

3. All criminal cases instituted against persons, who committed any criminal offenses created by the 1960 Criminal Code of Ukraine and listed in paragraph 1 of this Chapter, shall be dismissed.

4. Persons serving their cumulative sentences, where they are discharged from punishment for certain criminal offenses under paragraph 1 of this Chapter, shall continue to serve sentences imposed by a court for any other cumulated criminal offenses, if they have not completed to serve them. The imposed punishment may also be decreased in cases provided for by paragraph 5 of this Chapter.

5. The penalties imposed under the 1960 Criminal Code of Ukraine, if they exceed the penalties of appropriate Articles of this Code above the maximum punishment thresholds prescribed by this Code, shall be reduced pursuant to paragraph 3 of Article 74 of this Code. The punishment of the deprivation of the right to occupy certain positions or engage in certain activities, where imposed as additional, shall be reduced pursuant to paragraph 1 of Article 55 of this Code to three years. The term of corrective labor imposed on minors shall be reduced pursuant to paragraphs two and three of Article 100 of this Code to one year, while the amount deducted from their salaries shall be reduced to 10 percent.

6. Persons serving their sentences of imprisonment imposed by a court for a term up to five years in colonies shall be regarded as such that serve the sentence of imprisonment provided for Article 61 of this Code.

7. Person deprived of parental rights pursuant to Article 38 of the 1960 Criminal Code of Ukraine (2001-05, 2002-05) may be reinstated in their rights only under the procedures defined by the Marriage and Family Code of Ukraine. Persons sentenced to a punishment of public reprimand (Article 33 of the 1960 Criminal Code of Ukraine) shall be regarded as such that have no conviction, if their conviction had not been canceled prior to the entry of this Code into force.

8. The judgments shall not be enforced in those parts that impose forfeiture of property or fine, where the forfeited property had not been seized and sold, and the fine had not been exacted prior to the entry of this Code into force, if this Code does not provide for the forfeiture of property or fine for the same criminal offense.

9. As of the day of the entry of this Code into force, any persons regarded as especially dangerous recidivists under Article 26 of the 1960 Criminal Code of Ukraine shall no more be regarded as such. If these persons continue to serve their sentences, the judgments delivered in their regard shall be modified in the part where they are recognized as especially dangerous recidivists. Where necessary, the legal treatment of the committed criminal offenses shall be changed, and also the punishment shall be reduced pursuant to paragraph 3 of Article 74 of this Code. If the persons mentioned in the first sentence of this

paragraph have completed their sentences but have unrevoked conviction, the conviction of these persons shall be canceled under rules provided for by Articles 89 and 90 of this Code.

10. All cases on criminal offenses of persons, who committed embezzlement of state or collective property in respect of large or especially large amounts as prescribed by paragraph 4 of Article 81, paragraph 4 of Article 82, paragraph 4 of Article 84, paragraph 2 of Article 86, and Article 86-1 of the 1960 Criminal Code of Ukraine (2001-05, 2002-05), shall be reviewed to decide on the replacement of legal treatment of actions of these persons by appropriate paragraphs and Articles of this Code (Articles 185, 186, 187, 190 and 191).

Penalties imposed on persons convicted for embezzlement in respect of large or especially large amounts under Articles 81, 82, 83, 84, 86 and 86-1 of the 1960 Criminal Code of Ukraine and have not served their sentences, shall be adjusted to punishments prescribed by sanctions of Articles 185, 186, 187, 190 and 191 of this Code, if the punishment imposed by a court for a particular criminal offense is heavier than the one prescribed by this Code.

11. Rules established by the 1960 Criminal Code of Ukraine with regard to the limitation periods, parole, mitigation, cancellation and revocation of conviction shall apply to persons, who had committed criminal offenses prior to the entry of this Code into force, except where this Code lenifies the criminal liability of such persons.

12. Where the imposed punishment is more lenient than the one provided for by the law for the criminal offense committed prior to the entry of this Code, the court shall be guided by requirements of Article 44 of the 1960 Criminal Code of Ukraine (2001-05, 2002-05).

13. Where the punishment is imposed for cumulative offenses, committed prior to the entry of this Code into force, Article 42 of the 1960 Criminal Code of Ukraine shall apply. If at least one of the cumulated criminal offenses was committed after the entry of this Code into force, Article 70 or paragraph 2 of Article 103 of this Code shall apply.

If a person who serves a sentence commits any new criminal offense after the entry of this Code into force, Article 71 or paragraph 2 of Article 103 of this Code shall apply for the purposes of imposition of cumulative punishment.

14. When deciding on releasing on probation any person who committed any criminal offense after the entry of this Code into force, the court shall apply Articles 75 to 77 of this Code.

The probation period shall be reduced to two years for conditionally sentenced minors pursuant to paragraph 3 of Article 104 of this Code, if the probation period determined by the court was above this time limit.

15. Article 78 of this Code shall apply to persons sentenced to imprisonment with suspended enforcement under Article 46-1 of the 1960 Criminal Code of Ukraine.

16. If persons, who have committed criminal offences prior to the entry of this Code into force are discharged from criminal liability and punishment due to the change of circumstances or due to the fact that the act or the person that committed it lose their social dangerousness, paragraph 1 or 2 of Article 50 of the 1960 Criminal Code of Ukraine shall be applied (2001-05, 2002-05).

17. Criminal offense committed by a person prior to the entry of this code into force, and also any conviction of a person, which has not been cancelled or revoked pursuant to the procedure prescribed by law, shall be taken into account for the purpose of the legal

treatment of any new criminal offense committed by that person, and also in other cases as prescribed by this Code.

18. In deciding on the classification of criminal offenses created by the 1960 Criminal Code of Ukraine, which have been committed prior to the entry of this Code into force, to minor, medium gravity, grave and special grave criminal offenses, Article 12 of this Code shall be applied, if this mitigates the criminal liability of persons who have committed criminal offenses prior to the entry of this Code into force. In other cases, relevant provisions of the 1960 Criminal Code of Ukraine should be applied.

19. The review of cases of persons who have been sentenced under the 1960 Criminal Code of Ukraine, and also the dismissal of cases of persons who have committed criminal offenses prior to the entry of this Code into force and whose cases are pending in courts, pretrial investigation or inquiry authorities, shall be handled by a court.

20. Authorities responsible for enforcement of sentences passed by courts must provide appropriate materials on persons, who serve their sentences, to courts.

21. Matters referred to in paragraphs 3, 4, 6, 7, 9, 10, 15 of this Chapter shall be reviewed by courts upon motion of the administration of the penitentiary institution or prosecutor in open court together with the prosecutor - and representative of the administration of the penitentiary institution if the case is reviewed upon their motion.

Ruling of the court on these matters may not be appealed but may be contested under the procedure of judicial supervision on general grounds.

Ruling (resolution) of the court on these matters may be appealed by a convicted person or his defense counsel or made it appropriate to the prosecutor in the manner prescribed Criminal Procedural Code of Ukraine (1001-05, 1002-05, 1003-05). (Item 2 of paragraph 21 of Chapter II "Final and Transitory Provisions" in version of Law No 1130-IV (1130-15) of 11.07.2003)

President of Ukraine Leonid Kuchma

L. Kuchma

Kyiv, April 5, 2001
N 2341-III