

AN ACT ADOPTING A NEW PENAL LAW  
AND REPEALING SECTIONS 31.3 & 32.1  
OF THE CRIMINAL PROCEDURE LAW

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# TITLE 26

## *Penal Law*

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## PART I

### *General Provisions*

#### *Chapter 1. PRELIMINARY PROVISIONS*

- § 1.1. Purposes.
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- § 1.3. Application of title to offenses committed before and after effective date.
- § 1.4. Territorial applicability.
- § 1.5. All offenses defined by statute; application of general provisions of title.
- § 1.6. Affirmative defenses.
- § 1.7. General definitions.

##### § 1.1. Purposes.

The general purposes of this title are to establish a system of prohibitions and penalties to deal with conduct that unjustifiably and inexcusably causes or threatens harm to those individual or public interests for which governmental protection of this kind is appropriate. To this end, the provisions of this title are intended to achieve the following objectives:

- (a) To define adequately the act and mental state which constitute each offense;
- (b) To safeguard conduct that is without guilt from condemnation as criminal;
- (c) To prevent arbitrary or oppressive treatment of persons accused or convicted of crime;
- (d) To insure the public safety through (i) the deterrent influence of the penalties hereinafter provided; (ii) insofar as feasible, the rehabili-

tation of those convicted of offenses; and (iii) such confinement as may be necessary to prevent likely recurrence of serious criminal behaviour;

- (e) To prescribe penalties which are proportionate to the seriousness of offenses and which are appropriate in applying the different methods of insuring the public safety as named in paragraph (d).

##### § 1.2. Construction of title.

The rule that a penal statute is to be strictly construed does not apply to this title, but the provisions herein shall be construed according to the fair import of their terms and when the language is susceptible of differing constructions it shall be interpreted to further the general purposes stated in Section 1.1 and the special purposes of the particular provisions involved.

##### § 1.3. Application of title to offenses committed before and after effective date.

The provisions of this title shall apply to all offenses defined in this title and committed after the effective date thereof. The provisions of this title shall apply to all offenses defined outside this title and committed after the effective date thereof, unless the context otherwise requires. Offenses committed prior to the effective date of this title shall be governed by the law, statutory or non-statutory, existing at the time of the commission thereof, except that a defense or limitation on any penalty available under this title shall be available to any defendant tried or retried after the effective date. For the purposes of this section an offense has been committed prior to the effective date only if all elements of the offense occurred prior thereto.

##### § 1.4. Territorial applicability.

*1. Extraterritorial jurisdiction.* Except as otherwise expressly provided,

*1. Prior Legislation:* 1956 Code 27:2; Crim. Code, § 3.



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extraterritorial jurisdiction over an offense exists when:

- (a) The offense is treason, or is espionage or sabotage by a national of Liberia;
- (b) The offense consists of a forgery or counterfeiting, or an uttering of forged copies or counterfeits, of the seals, currency, stamps, passports, or public documents issued by the Government of Liberia;
- (c) The accused participates outside Liberia in an offense against the laws of Liberia committed in whole or in part within Liberia or the offense constitutes an attempt, solicitation, or conspiracy to commit an offense within Liberia;
- (d) The offense involves entry of person or property into Liberia;
- (e) The offense is committed by a public officer or employee who is outside the territory of Liberia because of his official duties or by a member of his household residing abroad; or
- (f) Jurisdiction is conferred upon Liberia by treaty.

2. *Offense committed partly within Liberia.* A person is subject to prosecution in Liberia for an offense which he commits partly within Liberia. An offense is committed partly within Liberia if either the conduct which is an element of the offense or the result which is such an element, occurs within Liberia. In homicide, the "result" is either the physical contact which causes death or the death itself; and if the body of a homicide victim is found within Liberia, the death is presumed to have occurred within Liberia.

**§ 1.5. All offenses defined by statute; application of general provisions of title.**

*I. All offenses statutory.* No conduct constitutes an offense unless it is a crime or infraction under this title or another statute of Liberia.

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2. *Application of general provisions of title.* The provisions of part I of this title are applicable to offenses defined by other titles, unless otherwise provided by law.

**§ L6 Affirmative defenses.**

*I. Affirmative defenses specified.* A ground of defense is affirmative when:

- (a) It arises under a section of this title which so provides; or
- (b) It relates to an offense defined by a statute other than this title and such statute so provides; or
- (c) It involves a matter of excuse or justification peculiarly within the knowledge of the defendant on which he can fairly be required to adduce supporting evidence.

2. *Raising of the issue.* Unless the prosecution's evidence raises the issue involved in **an** affirmative defense, the defendant in order to raise the issue, must present some evidence of such defense.

3. *Burden of proof.* If the issue involved in an affirmative defense is raised, then the prosecution must sustain the burden of proving the defendant guilty beyond a reasonable doubt as to that issue together with all the other elements of the defense.<sup>3</sup>

**§ 1.7 General definitions.**

in this title, unless a different meaning is plainly required:

- (a) "act" or "action" means a bodily movement whether voluntary or involuntary.

2. *Prior legislation:* 1956 Code 27:1; Crim. Code, § 3.

3. *Prior legislation:* 1956 Code 27:11; Crim. Code, § 9.



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- (b) "actor" means any natural person and, where relevant, an organization;
- (c) "bodily injury" means physical pain, illness or any impairment of physical function;
- (d) "deadly weapon" means any firearm or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury;
- (e) "element of an offense" means (i) the forbidden conduct, including attendant circumstances; (ii) the required culpability; (iii) any required result; and (iv) the non-existence of a defense as to which there is evidence in the case sufficient to give rise to a reasonable doubt as the issue;
- (f) "force" means physical action;
- (g) "human being" means a person who has been born and is alive;
- (h) "intentionally" or "with intent" means purposely;
- (i) 'knowingly' or "with knowledge" has the meaning specified in Section 2.2;
- (j) "negligently" has the meaning specified in Section 2.2;
- (k) "person" means a human being and, where relevant, an organization;
- (l) "public servant" means an officer or employee of the Government or a person authorized to act for or on behalf of the Government or serving the Government as an advisor or consultant. The term includes members of the Legislature, judges and jurors;
- (m) "purposely" or "with purpose" has the meaning specified in Sec-

tion 2.2;

(n) "reasonably believes" means a belief which the actor is not reckless or negligent in holding;

(o) "recklessly" or "with recklessness" has the meaning specified in Section 2.2;

(p) "serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of any bodily member or organ;

(q) "thing of value" means a gain or advantage, or anything regarded, or which might reasonably be regarded, by the beneficiary as a gain or advantage, including a gain or advantage to any other person.

(r) "thing of pecuniary value" means a thing of value in the form of money, tangible or intangible property, commercial interests or anything else the primary significance of which is economic gain;

(s) "willfully" has the meaning specified in Section 2.2.

## *Chapter 2. BASIS OF CRIMINAL LIABILITY*

§ 2.1. Requirement of voluntary conduct.

§ 2.2. Kinds of culpability.

§ 2.3. Requirement of culpability.

§ 2.4. Ignorance or mistake negating culpability.

§ 2.1. Requirement of voluntary conduct.

A person commits an offense only if he voluntarily engages in conduct, including an act, an omission, or possession, in violation of a statute which provides that the conduct is an offense.



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§ 2.2. Kinds of culpability.

A person engages in conduct--

(a) "purposely" if, when he engages in the conduct, it is his conscious object to engage in conduct of that nature or to cause the result of that conduct;

(b) "knowingly" if, when he engages in the conduct, he knows or has a firm belief unaccompanied by substantial doubt that he is doing so, whether or not it is his purpose to do so;

(c) "recklessly" if he engages in the conduct in conscious and clearly unjustifiable disregard of a substantial likelihood of the existence of the relevant facts or risks;

(d) "negligently" if he engages in the conduct in unreasonable disregard of a substantial likelihood of the existence of the relevant facts or risks;

(e) "willfully" if he engages in the conduct purposely or knowingly, unless further requirements appear from the definition of the offense;

(f) "culpability" if he engages in the conduct purposely, knowingly, recklessly, or negligently.

§ 2.3. Requirement of culpability.

1. *Culpability generally required.* Except as provided in paragraph 5, a person is not guilty of an offense unless he acted purposely, knowingly, recklessly, or negligently, as the law may require, with respect to each material element of the offense.

2. *Degree of culpability required when not specified.* If a statute or regulation thereunder defining a felony or misdemeanor does not specify any culpability and does not provide explicitly that a person may be guilty without culpability, the culpability that is required is established

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if the person acts purposely, knowingly, or recklessly with respect thereto.

3. *Specified culpability requirement satisfied by higher culpability.* If conduct is an offense if a person engages in it negligently, the conduct is an offense also if a person engages in it purposely, knowingly, or recklessly. If conduct is an offense if a person engages in it recklessly, the conduct is an offense also if a person engages in it purposely or knowingly. If conduct is an offense if a person engages in it knowingly, the conduct is an offense also if a person engages in it purposely.

4. *Knowledge or belief that conduct is an offense not required.* Except as otherwise expressly provided or unless the context otherwise requires, knowledge or belief that conduct is an offense is not an element of the conduct constituting the offense.

5. *No requirement of culpability for infractions.* The requirement of culpability prescribed by paragraph 1 does not apply to offenses which constitute infractions unless the requirement involved is included in the definition of the offense or the court determines that its application is consistent with effective enforcement of the law defining the offense.

§ 2.4. Ignorance or mistake negating culpability.

Ignorance or mistake as to a matter of law or fact is a defense if the ignorance or mistake negatives the purpose, knowledge, belief, recklessness or negligence required to establish a material element of the offense. Although ignorance or mistake would otherwise afford a defense to the offense charged, the defense is not available if the defendant would be guilty of another offense had the situation been as he supposed. In such case, however, the ignorance or mistake of the defendant shall reduce the grade and degree of the offense of which he may be convicted to those of the offense of which he would be guilty had the situation been as he supposed.

### Chapter 3. COMPLICITY

§ 3.1. Accomplices.

§ 3.2. Corporate criminal liability,

§ 3.3. Criminal liability of associations other than corporations.

§ 3.4. Individual criminal liability for conduct on behalf of organizations.

§ 3.5. Exemption of foreign ambassadors and public ministers from criminal liability.

§ 3.1. Accomplices.

*1. Liability defined.* A person is guilty of an offense committed by the conduct of another person when:

(a) Acting with the kind of culpability required for the offense, he causes or aids an innocent or irresponsible person to engage in such conduct; or

(b) With the purpose that an offense be committed, he commands, induces, procures, or aids such other person to commit it or having a legal duty to prevent its commission, he fails to make proper effort to do so. A person is liable under this paragraph for the conduct of another person when he is either expressly or by implication made not accountable for such conduct by the statute defining the offense or related provisions, because he is a victim of the offense or *because* the offense is so defined that his conduct is inevitably incident to its commission.

*2. Defense precluded.* Except as otherwise provided, in any prosecution in which liability of the defendant is based upon the conduct of another person, it is no defense that:

(a) The defendant does not belong to the class of persons who, because of their official status or other capacity or characteristic, are by definition of the offense the only persons capable of directly commit-

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LIBERIAN CODES REVISED, VOL. IV: PAGE 736 **(b)** The person for whose conduct the defendant is being held liable has been

ting it; or

acquitted, has not been prosecuted or convicted, or has been convicted of a different offense, or is immune from prosecution, or for some other reason cannot be brought to justice.

*3. Affirmative defense of renunciation and withdrawal.* It is an affirmative defense in a prosecution under paragraph (1) that, under circumstances manifesting a voluntary and complete renunciation of his culpable intent, the defendant attempted to prevent the commission of the offense by taking affirmative steps which substantially reduced the likelihood of the commission thereof. A renunciation is not "voluntary and complete" if it is motivated in whole or in part by (a) a belief that circumstances exist which increase the probability of detection or apprehension of the defendant or an accomplice or which make more difficult the consummation of the offense, or (b) a decision to postpone the offense until another time or to substitute another victim or another but similar objective.<sup>4</sup>

§ 3.2. Corporate criminal liability,

*1. Liability defined.* A corporation may be convicted of the commission of the offense if

(a) The conduct constituting the offense is engaged in by an agent of the corporation while acting within the scope of his employment and in behalf of the corporation unless the offense is one defined by a statute which indicates a legislative purpose not to impose criminal liability on corporations. If the law governing the offense designates the agents for whose conduct the corporation is accountable or the circumstances under which it is accountable, such provisions shall apply.

(b) The offense consists of an omission to discharge a specific duty

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*4. Prior legislation: [956 Code 27:8(0, 35, 44. Crim. Code, §§ 220 23.*



of affirmative performance imposed on corporations by law, or

(c) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or recklessly tolerated by the board of directors or by a high managerial agent acting within the scope of his employment and in behalf of the corporation.

2. *Definition.* As used in this section:

(a) "corporation" does not include all entity organized as or by a governmental agency for the execution of a governmental program;

(b) "agent" means any director, officer, servant, employee or other person authorized to act in behalf of the corporation;

(c) "high managerial agent" means an officer of a corporation or any other agent of a corporation having duties of such responsibility that his conduct may fairly be assumed to represent the policy of the corporation.

3. *Defense.* In any prosecution of a corporation for the commission of an offense included within the terms of paragraph (1)(a) of this section other than an offense for which absolute liability has been imposed, it shall be a defense if the defendant proves by a preponderance of evidence that the high managerial agent having supervisory responsibility over the subject matter of the offense employed due diligence to prevent its commission. This paragraph shall not apply if it is plainly inconsistent with the legislative purpose in defining the particular offense.

§ 3.3. **Criminal liability of associations other than corporations.**

A partnership, joint stock company, or unincorporated association, including a cooperative association, may *be* convicted under circumstances corresponding to those set forth in section 3.2 with respect to corporations.

§ 3.4. **Individual criminal liability for conduct on behalf of organizations.**

1. *Definition of organization.* As used in this section, "organization" means a corporation, partnership, joint stock company, or unincorporated association, including a cooperative association.

2. *Conduct on behalf of organization.* A person is criminally liable for any conduct he performs or causes to *be* performed in the name of an organization or in its behalf to the same extent as if the conduct were performed in his name or behalf.

3. *Omission.* **Except** as otherwise expressly provided, whenever a duty to act is imposed upon an organization by a statute or regulation thereunder any agent of the organization having primary responsibility for the subject matter of the duty is criminally liable for an omission to perform the required act to the same extent as if the duty were imposed directly upon himself.

4. *Accomplice of organization.* When an individual is convicted of an offense as an accomplice of an organization, he is subject to the sentence authorized when a natural person is convicted of that offense.

5. *Default in supervision.* **A person responsible for supervising relevant activities of an organization is guilty of an offense if his willful default in supervision within the range of that responsibility contributes to the occurrence of an offense for which the organization may be convicted. Conviction under this paragraph shall be of an offense of the same grade as the offense for which the organization may be convicted, except that if the latter offense is a felony, conviction under this paragraph shall be for a misdemeanor of the first degree.**

§ 3.5. **Exemption of foreign ambassadors and public ministers from criminal liability.**

**Ambassadors** and public ministers of any foreign state or other persons enjoying diplomatic immunity together with members of the households

and families shall not be subject to arrest, trial, service of criminal process, or conviction for offenses committed within Liberia, but the foregoing exemption shall not apply to any person who is a citizen of Liberia in the service of an ambassador, public minister or other person enjoying diplomatic immunity.<sup>5</sup>

#### **Chapter 4. DEFENSES BASED ON LACK OF CRIMINAL RESPONSIBILITY**

§ 4.1. Immaturity.

4.2. Intoxication.

§ 4.3. *Mental* disease or defect.

§ 4. 1. Immaturity.

A person is not criminally responsible for his behavior when he was less than sixteen years of age. In any prosecution for an offense, lack of criminal responsibility by reason of immaturity is an affirmative defense. A person under eighteen years of age commits an act which would be an offense if committed by a person over eighteen shall be subject to the provisions of the Juvenile Court Procedural Code (Judiciary Law, ch. 11).

§ 4.2. Intoxication.

1. *Defense precluded* Except as provided in paragraph 4, intoxication is not, in itself, a defense to a criminal charge; but in any prosecution for an offense, evidence of intoxication of the defendant may be offered by the defendant whenever it is relevant to negate an element of the offense charged, except as provided in paragraph 2.

2. *Recklessness.* When recklessness establishes an element of the offense,

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5. *Prior legislation:* 1956 Code 27:34 Crim. Code § 19.

6 *Prior legislation;* 1956 Code 27:12, 13; Crim. Code. §§ 10, 11.

if the actor is unaware of a risk because of self-induced intoxication,

such unawareness is immaterial

3. *Not mental disease.* Intoxication does not, in itself, constitute mental disease within the meaning of Section 4.3.

4. *When a defense.* Intoxication by reason of which the actor at the time of his conduct lacks substantial capacity either to appreciate its criminality or to conform his conduct to the requirements of law, is an affirmative defense if (a) it is not self-induced, or (b) it is caused by substances which the actor has introduced into his body under duress.

5. *Definitions.* In this section:

(a) "intoxication" means a disturbance of mental or physical capacities resulting from the introduction of alcohol, drugs, or other substances into the body;

(b) "self-induced intoxication" means Intoxication caused by substances which the actor knowingly introduces into his body, the tendency of which is to cause intoxication he knows or ought to know.'

§ 4.3. Mental disease or defect.

A person is not criminally responsible for his conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity to form a rational judgment with regard to the criminality of such conduct or to conform his conduct or the requirements of laws

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7. *Prior legislation:* 1956 Code 27:16; Crim. Code § 14.

8. *Prior legislation'* 1956 Code 27:14, 15; Crim. Code, §§ 12, 13.

**Chapter S. DEFENSES INVOLVING LACK OF CULPABILITY**

Subchapter A. Justification.

- § 5.1. General provisions.
- § 5.2. Execution of public duty. § 5.3. Self-defense.
- § 5.4. Defense of others.
- § 5.5. Defense of property.
- § 5.6. Use of force in effecting arrest or preventing escape from custody.
- § 5.7. Prevention of suicide or commission of a crime.
- § 5.8. Use of force by persons with special responsibility for care, discipline or safety of others.
- § 5.9. Mistake of law as to unlawfulness of force or legality of arrest. § 5.10. Conduct which avoids greater harm.
- § 5.11. Definitions for subchapter A.

Subchapter B. Other defenses. § 5.20. Duress.

§ 5.21. Entrapment.

**Subchapter A. JUSTIFICATION**

§ 5.1. General provisions.

*1. Defense.* Except as otherwise expressly provided, justification under this subchapter is an affirmative defense.

*2. Danger to innocent persons.* If a person is justified in using force against another, but he recklessly or negligently injures or creates a risk of injury to innocent persons, the justification afforded by this chapter is unavailable in a prosecution for such recklessness or negligence, as the case may be.

*3. When recklessness or negligence renders defense of justification unavailable.* When the person using force believes that the use of such force upon or toward the person of another is necessary for any of the purposes for which *such* belief would establish a justification under Section 5.2 through 5.8 but the person using force is reckless or negligent in having such belief or in acquiring or failing to acquire any knowledge or belief which is material to the justifiability of his *use* of force, the justification afforded by those sections is unavailable in a prosecution for an offense for which recklessness or negligence, as the case may be, suffices to establish culpability.

*4. Civil remedy unimpaired.* That conduct may be justified within the meaning of this subchapter does not abolish or impair any remedy for such conduct which is available in any civil action.

*5. Excessive force.* A person is not justified in using more force than he believes to be necessary and appropriate under *the* circumstances.

**§ 5.2. Execution of public duty.**

*I. Authorized by law.* Subject to the other provisions of this title, conduct is justifiable when it is required or authorized by:

- (a) The Law defining the duties or functions of a public officer or the assistance to be rendered to such officer in the performance of his duties or
- (b) The law governing the execution of legal process; or
- (c) The judgment or order of a competent court or tribunal; or
- (d) The law governing the armed services in the lawful conduct of war; or
- ~~(e) Any other provision of law imposing a public duty, 2~~

*Use of force by persons assisting public officer.* A person who has



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been directed by a public officer to assist that public officer is justified in using force to carry out the public officer's direction unless action taken by the public officer is plainly unlawful.

3. *Belief in lawfulness of authority.* The justification afforded by paragraph I applies when the actor believes his conduct to be required or authorized by the judgment or direction of a competent court or tribunal or in the lawful execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process.

4. *Deadly force.* The use of deadly force in execution of a public duty is not justifiable unless the use of such force is otherwise expressly authorized by law or occurs in the lawful conduct of war.

### § 5.3. Self-defense.

1. *Use of force justifiable in self-defense.* Subject to the provisions of this Section and of Section 5.9, the use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion.

2. *When use of force not justifiable.* The use of force is not justifiable under this section:

(a) To resist an arrest, execution of process, or other performance of duty by a person whom the person using force knows to be a public officer acting under color of law; but excessive force may be resisted; or

(b) If the person using force has intentionally provoked unlawful action by another person in order to cause bodily injury or death to such person, or **has entered into mutual combat with another person or is** the initial aggressor; but a person's use of defensive force after he withdraws from an encounter and indicates to the other person that

9. *Prior legislation:* 1956 Coda 27:342 (2); Crim. Code § 117.

he has done so is justified if the latter nevertheless continues or menaces unlawful action; or

(c) To resist force used by the occupier or possessor of property or by another person on his behalf, where the person *using* force is doing so under a claim of right to protect the property, except that the use of force is justifiable if

(I) The person using force is a public officer acting in the performance of his duties or a person *lawfully* assisting him therein or a person making or assisting in a lawful arrest; or

(ii) The person using force has been unlawfully dispossessed of the property and is making a re-entry or reception justified by Section 5.5; or

(iii) The person using such force believes it necessary to protect himself against death or serious bodily harm.

3. *Deadly force.* **The use of deadly force is** not justifiable under this section unless the person using force believes that such force is necessary to defend himself against death, serious bodily harm, kidnapping, rape or sodomy compelled by force or threat; nor is it justifiable if the person using force knows that he can avoid the necessity of using such force with complete safety by retreating or by surrendering possession of a thing to a person asserting a claim of right thereto or by complying with a demand that he abstain from any action which he has no duty to take, except that:

(a) The person using force is not obliged to retreat from his dwelling or place of work, unless he was the initial aggressor or is assailed in **his place of work by another** person whose place of work the person **using force knows it to be**; and

(b) A public **officer justified in using** force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force **in** making an arrest or preventing an escape is

not obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom *such* action is directed.

4. *Use of force justifiable without abstaining from lawful action.* Except as required by paragraphs 2 and 3 of this section, a person employing defensive force may estimate the necessity thereof under the circumstances as he believes them to be when the force is used without retreating, surrendering possession, doing any other act which he has no legal duty to do, or abstaining from any lawful action.

5. *Use of confinement as defensive force.* The justification afforded by this section extends to the use of confinement as defensive force only if the person using such force takes all reasonable measure to terminate the confinement as soon as he knows that he safety can, unless the person confined has been arrested on a charge of crime. '6'

§ 5.4. Defense of others.

1. *Use of force justifiable for defense of other persons.* Subject to the provisions of this section and of section 5, the use of force upon or toward the person of another is justifiable to defend a third person when:

- (a) The person using force would be justified under Section 5.3, using such force to protect himself against the injury he believes to be threatened to the person whom he seeks to defend; and
- (b) Under the circumstances as the person using force believes them to be, the person whom he seeks to defend would be justified in using such protective force; and
- (c) The person using force believes that his intervention is necessary for the protection of such other person.

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10. *Prior legislation:* 1956 Code 27.-19, 235; Crim. Cod; §§ 17, 18.

2. *When use of force conditional on retreat or other action.* Notwithstanding paragraph I of this section:

- (a) When the person using force would be obliged under section 5.3 to retreat, to surrender the possession of a thing or to comply with a demand before using force in self-defense, he is not obliged to do so before using force in defense of another, unless he knows that he can thereby secure the complete safety of such other person; and
- (h) When the person whom the person using force seeks to protect would be obliged under Section 5.3 to retreat, to surrender the possession of a thing or to comply with a demand if he knew that he could obtain complete safety by so doing, the person using force is obliged to try to cause him to do so before using force in his defense if the person using force knows that he can obtain complete safety in that way; and
- (c) Neither the person using force nor the person whom he seeks to defend is obliged to retreat when in the other's dwelling or place of work to any extent than in his own.

§ 5.5 Defense of property.

1. *Use of force justifiable.* Subject to the provisions of this section and Section 5.9, the use of force upon or toward the person of another is justifiable when the person using force believes that such force is immediately necessary:

- (a) To prevent or terminate an unlawful entry or other trespass upon land or a trespass against or the unlawful carrying away of tangible, movable property, provided that such land or movable property is, or is believed by the person using force to be, in his possession or in the possession of another person for whose protection he acts; or
- (b) To effect a re-entry upon land or to retake tangible movable

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11. *Prior legislation:* 1956 Code 27:19; Crim. Code, § 17.

property, provided that the person using force believes that he or the person by whose authority he acts or a person from whom such other person derives title was unlawfully dispossessed of such land or movable property and is entitled to possession, and provided, further, that:

(1) the force is used immediately or on fresh pursuit after such dispossession: or

(ii) in the case of movable property, the person using force believes that the person against whom he uses force has the claim of right to the possession of the property.

2. *When request to desist necessary.* Except in those situations where the use of force by means of a device or instrumentality is allowable under paragraph 3, the use of force is justifiable under this section only if the person using force first requests the person whom such force is used to desist his interference with the property, unless the person using force believes that

(a) Such request would be useless: or

(b) It would be dangerous to himself or another person to make the request; or

(c) Substantial damage would be done to the property protected before the request could effectively be made.

3. *Use of device or instrumentality to protect property.* The justification afforded by this section extends to the use of a device or instrumentality for the purpose of protecting property only if

(a) The use of the particular device or instrumentality to protect the property is reasonable under the circumstances as the actor believes them to be; and

(b) The device or instrumentality is one customarily used for such a

purpose or reasonable care is taken to make known to probable intruders the fact that it is used.

4. *Use of confinement as protective force.* The justification afforded by this section extends to the use of confinement as protective force only if the person using force takes all reasonable measures to terminate the confinement as soon as he knows that he can do so with safety to the property, unless **the** person confined has been arrested on a charge of crime.

5. *Use of force to pass wrongful obstructor.* The use of force to pass a person whom the person using force believes to be purposely or knowingly and unjustifiably obstructing the person using force from going to a place to which he may lawfully go is justifiable, provided that:

(a) The person using force believes that the person against whom he uses force has no claim of right to obstruct the person using force; and

(b) The person using force is not being obstructed from entry or movement on land which he knows to be in the possession or custody of the persons obstructing him, or in the possession or custody of another person by whose authority the obstructor acts unless force may be used justifiably under paragraph 1 (b) (i); and

(c) The force used is not greater than would be justifiable if the obstructor were using force against him to prevent his passage. The provisions of this paragraph do not, however, derogate from the right of a person to use force to enter premises declared justifiable under Section 5.2 of this title or Section 5.6 of this title or Section 10.3(3) of the Criminal Procedure Law (method of making an arrest).

5. *Deadly farce.* The use of deadly force is not Justifiable under this section *unless* the person using force believes that:

(a) The person against whom the force is used is attempting to dispossess him of his dwelling otherwise than under a claim of right



to its possession; or

(b) The person against whom the force is used is attempting to commit or consummate arson, burglary, robbery or other felonious theft or property destruction and either;

(i) has employed or threatened deadly force against or in the presence of the person claiming justification for using force; or

(ii) the use of force other than deadly force to prevent the commission or the commission of the crime would expose the person charged with using deadly force on another in his presence to substantial danger of serious bodily harm.

**§ 5.6. Use of force in effecting arrest or preventing escape from custody.**

*1. Force justifiable in effecting arrest.* Subject to the provision of this section and Section 5.9, the use of force upon or toward the person of another is justifiable when the actor is making or assisting in making arrest and the actor believes that such force is immediately necessary to effect a lawful arrest.

*2. Limitations on the use of force.* **The use of force is not** justifiable under paragraph (1) unless:

(a) The actor makes known the purpose of the arrest, as required by Section 10.8 and 10.10 of the Criminal Procedure Law; and

(b) When the arrest is made under a warrant, the warrant is valid or is *believed* by the actor to be valid.

*3. Use of deadly force to effect arrest.* The use of deadly force is not justifiable to effect an arrest unless all the following circumstances are present:

(a) The arrest is for a felony; and

(b) The person effecting the arrest is authorized to act as a peace officer or is assisting a person whom he believed to be authorized to act as peace officer; and

(c) The actor believes that the force employed creates no substantial risk of injury to innocent persons; and

(d) The actor believes **that the crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or there is a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed.**

*9. Force justifiable in preventing escape from custody.* The use of force to prevent the escape of **an arrested** person from custody is justifiable when the force could justifiably have been employed to effect the arrest under which the person is in custody. A guard or other person authorized to act as a peace officer is justified in using any force, including **deadly force, which he believes to be immediately necessary to prevent the escape of a person** from a jail, prison, or other institution for the detention of persons charged with or convicted of a crime.

**§ 5.7. Prevention of suicide or commission of a crime.**

*1. When force justifiable.* The use of force upon or toward the person of another is justifiable when the person using force believes that such force is immediately necessary to prevent such other person from committing suicide or inflicting serious bodily harm upon himself, or committing or consummating the commission of a felony against the internal security of the Republic, or a crime involving or threatening bodily harm, damage to or loss of property, or a breach of the peace, except that any limitations imposed by the other provisions of this chapter on the justifiable use of force in self-defense, for the defense of others, the protection of property, the effectuation of an arrest or the prevention of an escape from custody shall apply notwithstanding the criminality of the conduct against which such force is used.

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2. *Deadly force.* The use of deadly force is not in any event justifiable under this section unless:

(a) The person using force believes that there is a substantial risk that the person whom he seeks to prevent from committing a crime will cause death or serious bodily harm to another unless this commission or the consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons; or

(b) The person using force is authorized by law to suppress riots or mutinies and believes that the use of such force is necessary to suppress a riot or mutiny after the rioters or mutineers have been ordered to disperse and warned, in any particular manner that the law may require, that such force will be used if they do not obey.

3. *Confinement.* The justification afforded by this section extends to the use of confinement as preventive force only if the person using such force takes all reasonable measures to terminate the confinement as soon as he knows that he safely can, unless the person confined has been arrested on a charge of crime.

### § 5.8. Use of force by persons with special responsibility for care, discipline, or safety of others.

*Parent, guardian or teachers.* The use of force upon or toward the person of another is justifiable if the actor is the parent, guardian or other person responsible for the care and supervision of a minor under eighteen years old, or teacher or other person responsible for the care and supervision of such a minor for a special purpose, or a person acting at the direction of any of the foregoing persons, if the force is used for the purpose of safeguarding or promoting his welfare including prevention and punishment of his misconduct, and the maintenance of proper discipline. The force used for these purposes must not be designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement or degradation.

2. *Guardian of incompetent.* The use of force upon or toward the person of another is justifiable if the actor is the guardian or other person similarly responsible for the general care and supervision of an incompetent person and the force is used for the purpose of safeguarding or promoting his welfare, including the prevention of his misconduct or, when he is in a hospital or other institution for his care and custody, for the purpose of maintaining reasonable discipline in the institution. The force used for these purposes must not be designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement or degradation.

3. *Doctor or other therapist.* The use of force upon or toward the person of another is justifiable if the actor is a doctor or other therapist or a person assisting him at his direction and the force is used for the purpose of administering a recognized form of treatment which the person using force believes to be adapted to promoting the physical or mental health of the patient if the treatment is administered (a) in an emergency or (b) with the consent of the patient or, if the patient is a minor or an incompetent person, with the consent of his parent, guardian or other person entrusted with his care and supervision.

### § 5.9. Mistake of law as to unlawfulness of force or legality of arrest.

The justification afforded by Section 5.3 through 5.7 is unavailable when:

(a) The belief of the actor in the unlawfulness of the force or conduct against which he employs protective force on his behalf in the lawfulness of an arrest which he endeavors to effect by force is erroneous; and

(b) His error is due to ignorance or mistake as to the provision of this title, any other provision of the Criminal Law, or the law governing the legality of an arrest or search.

4. *Official or employee of correctional institution.* The use of force up-

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on or toward the person of another is justifiable if the actor is a warden or other authorized official or employee of a correctional institution and the force is used for the purpose of enforcing the lawful rules, or procedures of the institution. The force used for these purposes must not be of a nature or degree forbidden by Chapter 34 (Imprisonment) of the Criminal Procedure Law, and deadly force may be used only when otherwise justifiable under this chapter.

5. *Person responsible for safety and order of vessel or aircraft.* The use of force upon or toward the person of another is justifiable if the actor is responsible for the safety and order of a vessel or an aircraft or a person acting at his direction and the force is used to prevent interference with the operation of the vessel or aircraft, or obstruction of the execution of a lawful order. Deadly force may be used only when otherwise justifiable under this chapter.

6. *Persons maintaining safety and order in vehicle or place of assembly.* The use of force upon or toward the person of another is justifiable if the actor is authorized or required by law to maintain safety and order in a vehicle, train, or other carrier or in a place where others are assembled and the force is used for such purpose. Deadly force may be used only when otherwise justifiable under this chapter.

### § 5.10, Conduct which avoids greater harm.

Conduct is justified if the actor believes it is necessary to avoid harm clearly greater than the harm which might result from such conduct and the situation developed through no fault of the actor; provided that neither this title nor other law defining the offense provides exceptions or defenses dealing with the specific situation involved; and a legislative purpose to exclude the justification claimed does not otherwise plainly appear. The necessity and justiciability of such conduct may not rest upon considerations pertaining only to the morality and advisability of the penal statute defining the offense, either in its general application or with respect to its application to a particular class of cases arising thereunder.

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### § 5.11. Definitions for subchapter A.

In this chapter--

(a) "force" means physical *action, threat or menace* against another, and includes confinement;

(b) "deadly force" means force which a person uses with the purpose of causing, or which he knows to create a substantial risk of causing, death or serious bodily injury. Purposely firing a firearm in the direction of another person or at a moving vehicle in which another person is believed to be, constitutes deadly force. A threat to cause death or serious bodily injury, by the production of a weapon or otherwise, so long as the actor's purpose is limited to creating an apprehension that he will *use* deadly force if necessary, does not constitute deadly force:

(c) "dwelling" means any building or structure, though movable or temporary, or a portion thereof; which is for the time being a person's home or place of lodging.

## ***Subchapter B. OTHER DEFENSES***

### § 5.20. Duress.

1. *Defense to prosecution.* In a prosecution for any offense it is an affirmative defense that the actor engaged in the prescribed conduct because he *was* coerced to do so by the use of, or a threat to use, unlawful force against his person or the person of another, which a person of reasonable firmness in his situation would have been unable to resist.

2. *When defense precluded* The defense defused in this section is not available to a person who, by, voluntarily entering into a criminal enterprise, or otherwise, willfully or recklessly placed himself in a situation in which it was foreseeable that he would be subjected to duress. The defense is also unavailable if he was negligent in placing himself in such a situation, whenever negligence *suffices* to establish culpability for the

offense charged.

3. *Woman acting on command of husband.* It is not a defense that a woman acted on the command or in the presence of her husband, unless she acted under such coercion as would establish a defense under this section.

4. *Conduct justifiable under Section 5.10.* When the conduct of the actor would otherwise be justifiable under Section 5.10, this section does not preclude such defense.<sup>12</sup>

#### § 5.21. Entrapment.

1. *Definition.* A public law enforcement official or a person acting in cooperation with such an official perpetrates an entrapment if for the purpose of obtaining evidence of the commission of an offense he solicits, encourages or otherwise induces another person to engage in conduct constituting such offense when he is not otherwise disposed to do so. Conduct merely affording a person an opportunity to commit an offense does not constitute entrapment.

2. *Entrapment a defense.* Except as provided in paragraph 3 of this section, a person prosecuted for an offense shall be acquitted if he proves by a preponderance of the evidence that this conduct occurred in response to an entrapment.

3. *When defense unavailable.* The defense afforded by this section is unavailable when causing or threatening bodily injury is an element of the offense charged and the prosecution is based on conduct causing or threatening such injury to a person other than the person perpetrating the entrapment.

12. *Prior legislatio*• 1956 Code 27:17, 18; Crim. Code §§ 15, 16.

## PART II

### *Specific Offenses*

#### **Chapter 10. INCHOATE OFFENSES**

§ 10.1. Criminal attempt.

§ 10.2. Criminal facilitation.

§ 10.3. Criminal Solicitation.

§ 10.4. Criminal conspiracy.

§ 10.5. Multiple convictions.

#### **§ 10.1. Criminal attempt.**

1. *Ceimse.* A person is guilty of criminal attempt if, acting with the kind of culpability otherwise required for commission of an offense, he purposely engages in conduct constituting a substantial step toward commission of the offense. A substantial step is any conduct, whether *act*, omission, or possession, which is strongly corroborative of the firmness of the actor's intent to complete the commission of the offense. Factual or legal impossibility of committing the offense is not a defense if the offense could have been committed had the attendant circumstances been as the actor believed them to be.

2. *Conduct designed to aid another to commit a crime.* A person who engages in conduct intending to aid another to commit an offense is guilty of criminal attempt if the conduct would establish his complicity under Section 3.1 were the offense committed by the other person, even if the other is not guilty of committing or attempting the offense.

3. *Renunciation.* It is a defense to prosecution under this section that, under circumstances manifesting a voluntary and complete renunciation of his culpable intent, the defendant avoided the commission of the offense attempted by abandoning his culpable effort and, if where aban-

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donment was insufficient to accomplish such avoidance, by taking further steps which prevented the commission thereof. A renunciation is not "voluntary and complete" if it is motivated in whole or in part by (a) a belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or an accomplice or which makes more difficult the consummation of the offense, or (b) a decision to postpone the offense until another time or to substitute another victim or another but similar objective.

4. *Grading.* Criminal attempt is an offense of the same *class* as the offense attempted, except that (a) an attempt to commit a felony of the first degree shall be a felony of the second degree, and (b) whenever it is established by a preponderance of the evidence at sentencing that the conduct constituting the attempt did not come dangerously close to commission of the offense, an attempt to commit a felony of the second degree shall be a felony of the third degree and an attempt to commit a felony of the third degree shall be a misdemeanor of the first degree. 13

§ 10.2, *Criminal facilitation.*

1. *Offense.* A person is guilty of criminal facilitation who, believing it probable that he is rendering aid to a person who intends to commit a crime, engages in conduct which provides such person with means or opportunity for the commission thereof and which in fact aids such person to commit a felony. This section does not apply to a person who is either expressly or by implication made not accountable by the statute defining the felony facilitated or related statutes.

2. *Defense precluded.* It is no defense to a prosecution under this section that the person whose conduct the defendant facilitated has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense, is immune from prosecution, or for some other reason cannot be brought to justice.

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13. *Prior legislation.* [955 Code 27:10, 53 (2); L. 1935-36, ch. XVIII; Crim. Code §§ 29, 133.]

4. Grading. Facilitation of a felony of the first degree is a felony of the third degree. Facilitation of a felony of the second degree or felony of the third degree is a misdemeanor of the first degree.

*§ 103. Criminal solicitation.*

1. Offense. A person is guilty of criminal solicitation if he commands, induces, entreats, or otherwise attempts to persuade another person to engage in conduct which if committed would be a felony, whether as principal or accomplice, with the purpose of promoting or facilitating the commission of that crime, and under circumstances strongly corroborative of that purpose.

2. Defense. It is an affirmative defense to a prosecution under this section that, if the criminal object were achieved, the defendant would be a victim of the offense or the offense is so defined that his conduct would be inevitably incident to its commission or he otherwise would not be guilty under the statute defining the offense or as an accomplice under Section 3.1.

3. Defense precluded. It is no defense to a prosecution under this section that the person solicited could not be guilty of the offense because of lack of responsibility or culpability, or other incapacity or defense.

4. Renunciation and withdrawal. It is an affirmative defense to a prosecution under this section that the defendant, after soliciting another person to commit a felony, persuaded him not to do so or otherwise prevented the commission of the felony under circumstances manifesting a complete and voluntary renunciation of the defendant's criminal intent. A renunciation is not "voluntary and complete" if it is motivated in whole or in part by (a) a belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or another or which makes more difficult the consummation of the crime or (b) a decision to postpone the crime until another time or to substitute another victim or another but similar objective.

5. Grading. Criminal solicitation shall be subject to the penalties provided or attempt in Section 10.1(4).

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§ 10.4. Criminal conspiracy.

1. *Offense.* A person is guilty of conspiracy to commit a crime if, with the purpose of promoting or facilitating its commission, he agrees with one or more persons to engage in or cause the performance of conduct which constitutes the crime, and any one or more of such persons does an act to effect the objective of the conspiracy.

2. *Scope of conspiratorial relationship.* If a person knows that one with whom he agrees or has agreed will agree with another to effect the same objective, he shall be deemed to have agreed with the other, whether or not he knows the other identity.

3. *Conspiracy with multiple criminal objectives.* If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are the object of the same agreement or continuous conspiratorial relationship.

4. *Duration of conspiracy.* A conspiracy shall be deemed to continue until the crime which is its object is committed or the agreement that it *be committed* is abandoned by the defendant and by those with whom he conspired. A conspiracy shall be deemed to have been abandoned if no overt act to effect its objectives has been committed by any conspirator during the applicable period of limitations. If an individual abandons the agreement, the conspiracy is terminated as to him only if and when he timely advises those with whom he has agreed of his abandonment or by timely informing a law enforcement officer of the existence of the conspiracy.

5. *Defense.* It is an affirmative defense to a prosecution under this section that, if the criminal object were achieved, the defendant would not be guilty under the statute defining the offense or as an accomplice under Section 3.1.

6. *Defense precluded.* It is no defense to a prosecution under this section that the person with whom such person is alleged to have conspired has been acquitted, has not been prosecuted or convicted, has

been convicted of a different offense, is immune from prosecution, or for some other reason cannot be brought to justice.

7. *Renunciation and withdrawal.* It is an affirmative defense to a prosecution under this section that the defendant after agreeing with another that one or more of the conspirators will engage in criminal conduct, persuaded him or them not to engage in such conduct or otherwise prevented the commission of the crime under circumstances manifesting a voluntary and complete renunciation of his criminal intent. A renunciation is not "voluntary and complete" if it is motivated in whole or in part by (a) a belief that a circumstance exists which increases the probability of detection or apprehension of the defendant or another conspirator or which makes more difficult the consummation of the crime, or (b) a decision to postpone the crime until another time or to substitute another victim or another but similar objective.

8. *Liability as accomplice.* Accomplice liability for offenses committed in furtherance of the conspiracy is to be determined as provided in Section 3.1.

9. *Grading.* The penalties provided for criminal attempt in section 10.1 (4) shall be applicable to persons convicted of conspiracy.<sup>14</sup>

§ 10.5. Multiple convictions.

A person may not be convicted of more than one offense defined by this chapter for conduct designed to commit or to culminate in the commission of the same crime.

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14. *Prior legislation:* 1956 Code 27:9, 531.. 1935-36, ch. XVIII: Crim. Codc, § 132.

*Chapter IL* OFFENSES AGAINST INTERNAL SECURITY

- § 11.1. Treason
- § 11.2. Facilitating war against Liberia within its territory.
- § 11.3. Armed insurrection.
- § 11.4. Advocating armed insurrection.
- § 11.5. Para-military activities.
- § 11.6. Sabotage.
- § 11.7. Recklessly impairing military effectiveness.
- § 11.8. Espionage.
- § 12.9. Mishandling sensitive information.
- § 11.10. Avoiding military service obligations.
- § 11.11. Criminal libel against the President.
- § 11.12. Sedition
- § 11.13. Mercenarism
- § 11.14. Criminal Malevolence.

§ 11.1. Treason.

Treason against the Republic shall consist of:

- (a) levying war against the Republic;
- (b) aligning oneself with or aiding and abetting another nation or people with whom Liberia is at war or in a state of war;
- (c) acts of espionage for an enemy state;
- (d) attempting by overt act to overthrow the Government, rebellion against the Republic, insurrection and mutiny; and
- (e) abrogating or attempting to abrogate, subverting or attempting to or conspiring to subvert the Constitution by use of force, show of force or by any other means which attempts to undermine the

Constitution of Liberia.<sup>15</sup>

§ 11.2. Penalty for treason.

Any person who is convicted of treason shall:

- (a) Be sentenced to a term of imprisonment for not more than 20 years nor less than 10 years where no death or property damage ensues from the acts of the offender or offenders;
- (b) Be sentenced to a term of imprisonment for not more than 25 years nor less than 20 years where no death ensues from the acts of the offender or offenders but substantial property damage is destroyed growing out of the acts of the offender or offenders;
- (c) Be sentenced to death where death ensues from the acts of the offender or offenders;
- (d) Forfeit any public office he holds and shall be disqualified from any or a specified public office or category thereof for a period not longer than five years following the completion of the sentence imposed. The

<sup>15</sup> Section 11.1 is a new provision approved January 6, 1986 following the coming into effect of the new Liberian Constitution of January 6, 1986. The new provision amended the previous provision adopted in the 1976 Penal Law and was aimed at making the law on Reason consistent with the provisions of the new Constitution. The Preamble to the new Act stated: "Whereas Article 76(5) of the New Constitution of Liberia, which came into force on January 6, 1986, mandates the Legislature to exercise its powers to declare the punishment for treason against the Republic; and Whereas, it is in the best interest of the proper administration of justice to have the laws dealing with treason consolidated in the existing Act Adopting A New Penal Law, approved by the National Legislature on July 19, 1976 to include both the definition of treason and the attendant punishment for treason in a manner consistent with the aforementioned and the tional provision: It is enacted by the Senate and House of Representatives of the republic of Liberia, in Legislature Assembled" Approved January 6, 1986; published May 1, 1987.

*Prior legislation:* Penal Law, LCLR, tit. 26, § 11.1, 1976; 1956 Code 27:50; Crim. Code, § 105; L 1916, 29; L. 1900-01, I 1 1; L. 1899, I; L. 1882.83, 10.



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fruits of crime so committed shall be confiscated. <sup>16</sup>

§ 11.3. Armed insurrection.

*J. Engaging in armed insurrection.* A person has committed a second degree felony if *he* engages in an armed insurrection with the purpose of overthrowing, supplanting or changing the form of the Government of Liberia.

*2. Leading armed insurrection.* A person has committed a first degree felony if he organizes, directs, leads, or provides a substantial portion of the resources of an armed insurrection within paragraph 1 hereof or any part of such insurrection.

*3. Attempt, conspiracy; facilitation; solicitation.* A person may be convicted of an attempt or conspiracy to violate this section or of facilitating or soliciting a violation of this section, only if he engages in such conduct when the armed insurrection *is* in progress or is impending. <sup>17</sup>

§ 11.4. Advocating armed insurrection.

A person has committed a third degree felony if, with the purpose of inducing or otherwise causing others to engage in armed insurrection in violation of Section 11.3, *he*

(a) Advocates the desirability or necessity of armed insurrection under circumstances in which there is substantial likelihood his advocacy will imminently produce a violation of section 11.3; or

(b) Organizes an association which engages in the advocacy prohibited

<sup>16</sup> The provisions of section 11.2 are new and were enacted as amendments to the previous provisions of the Penal Law approved January 19, 1976.

*Prior legislation:* 1956 Code 27:50; Crim. Code, § 105; L 1916, 29, L. 1900-01, 11; L. 1899-1900, 1; L. 188243, 10.

<sup>17</sup> *Prior legislation:* 1956 Code 27:50(f), 52; L. 1932(E.S.), ch. III; Crim. Code, § 107; L. 1 1915-16, ch. XXX; L. 1874-75, 13.

bited subparagraph (a), or as an active member of such association, facilitates such advocacy. <sup>18</sup>

§ 11.5. Para-military activities.

A person has committed a second degree felony if he knowingly engages in, or purposely facilitates para-military activities not authorized by law. "Para-military activities" means acquisition, caching, use, or training in the use, of weapons for political purposes by or on behalf of an organization.

§ 11.6. Sabotage.

*1. Wartime Sabotage.* A person, other than a member of the armed services of the enemy acting in accordance with the rules of war, is guilty of sabotage, a first degree felony, if, in time of war and with the purpose of impairing the military effectiveness of Liberia, he

(a) Damages or tampers with anything of direct military significance; or

(b) Defectively makes or repairs anything of direct military significance; or

(c) Delays or obstructs transportation, communication or power service furnished to the defense establishment.

*2. Peacetime sabotage.* A person has committed a second degree felony if at a time not of war, with the purpose of impairing the military effectiveness of Liberia, he impairs the efficacy of the means of defense or retaliation against enemy attack by the defense establishment.

*3. Definitions.* In this section:

<sup>18</sup> *Prior legislation:* 1956 Code 27:52; L. 1932 (ES), ch. Crim. Code, § 107; L. 1915-16, ch. XXX; L. 1874.75, 13.



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(a) "Defense establishment" means the defense establishment of Liberia or of a nation at war with any nation with which Liberia is at war;

(b) "Anything of direct military significance" means armament or anything else peculiarly suited for military use, and includes such a thing in course of manufacture, transport, or other servicing or preparation for the defense establishment.

§ 11.7. Recklessly impairing military effectiveness.

A person has committed a third degree felony if, in a time of war, in reckless disregard of a substantial risk of seriously impairing the military effectiveness of Liberia, he causes such serious impairment of military effectiveness.

§ 11.8. Espionage.

1. *Offense.* A person has committed espionage, a first degree felony, if he purposely reveals national defense information to a foreign power with the purpose of injuring Liberia or of benefiting a foreign power in the event of military or diplomatic confrontation with Liberia.

2. *Attempted espionage.* Without limiting the applicability of the law of criminal attempt, any of the following acts is sufficient to constitute a substantial step toward commission of espionage thereunder: obtaining, collecting, eliciting, or publishing information directly related to the military establishment or entering a restricted area to obtain such information.

3. *Definitions.* In this section: (a) "national defense

information" means information regarding

(i) The military capability of Liberia or of a nation at war with a nation with which Liberia is at war;

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(ii) Military or defense planning or operations;

(iii) Military communications, intelligence, research or development;

(iv) Military or diplomatic codes;

(v) Any other information which is likely to be diplomatically or militarily useful to the enemy;

(b) "Foreign power" includes any foreign faction, party, military or naval force, whether or not the government thereof is recognized by Liberia, and any international organization.

§ 11.9. Mishandling sensitive Information.

A person has committed a third degree felony if in reckless disregard of potential injury to the national security of Liberia he,

(a) Knowingly reveals national defense information to anyone not authorized to receive it;

(b) Violates a known duty, to which he is subject as a public servant, as to custody, care or disposition of national defense information or as to reporting an unlawful removal, delivery, loss, destruction, or compromise of the security of such information; or

(c) Knowingly having possession of a document or thing containing national defense information, fails to deliver it on demand to a public servant to Liberia entitled to receive it.

"National defense information" has the meaning prescribed in Section 11.8.

§ 11.10. Avoiding military service obligations.

A person has committed a first degree misdemeanor if, with the purpose



of avoiding service in the armed forces of Liberia, he

- (a) unlawfully fails to report for induction into the armed forces;  
or
- (b) unlawfully refuses induction into the armed forces.

§ 11.11. Criminal libel against the President.

*1. Offense.* A person has committed a first degree misdemeanor if he exposes to the public any writing, or makes any public broadcast, in which he has accused the incumbent President of the Republic of Liberia of conduct which constitutes the commission of a crime, provided, that at the time of such publication:

- (a) The conduct charged is untrue and the actor knows it to be untrue;  
and
- (b) The purpose of the actor is to thereby injure the President in his reputation.

*2. Definitions.* As used in this section,

- (a) "Writing" means any writing, written production, engraving, drawing or effigy of the President; and
- (b) "Public broadcast" means any dissemination through public channels. by sound or picture.

§ 11.12. Sedition.

*1. Offense.* A person, owing allegiance to Liberia, has committed sedition, a felony of the second degree, if

- (a) He advocates by word-of-mouth, writing or otherwise, sectionalism, countyism, tribalism, parochialism or the like, with the intent in so doing to incite the people to hostility, create disunity among the people and divide the Nation; or

(b) He advocates rebellion, incites or in any way promotes insurrection against the authority of the Republic of Liberia.

(c) He writes or inspires the writing of any document to a foreign government or concern or any official thereof, making representation on any matter or matters properly the subject of internal inquiry and adjustment; or

(d) He accuses the incumbent President of the Republic of Liberia of conduct which constitutes a violation of his oath of office, provided, that at the time of such accusation: (1) The conduct charged is untrue; and (2) The purpose of the actor is to thereby injure the President in his reputation and create contempt for the Presidency.

*2. Grading.* Any person convicted of sedition may be sentenced to imprisonment as provided in Sections 50.5 and 5,1.3.

§ 11.13. Mercenarism.

*1. Offense.* The crime of mercenarism is committed, a felony of the first degree, by an individual, a group, an association, representative or representatives of a State and the State itself with the intent of opposing by armed violence a process of self-determination or the territorial integrity of another State when the following acts are perpetrated:

- (a) The sheltering, organizing, financing, assisting, equipping, training, promoting, supporting or employing armed forces partially or wholly and consisting of persons not nationals of the country being invaded or attempting to invade and merely or solely for money, personal gain, material or other reward; or
- (b) The enlisting, enrolling or attempting to enroll in the said armed forces; or
- (c) The allowing of the activities referred in subsection (1) (a) to be carried out in any territory under the jurisdiction of another State or in any place under its control; or



(d) The affording of facilities for transit, transportation or other operations for the armed forces and activities referred to be in Sub-section (1) (a).

2, *Grading*: Mercenaries shall not in this Republic enjoy the status of combatants and shall not be entitled to the prisoners of war status. Assuming command over or giving orders to mercenaries shall be considered as an aggravating circumstance.

If the act of mercenarm results in the death of any non-participant in such mercenarism, other than a mercenary, the person convicted may be sentenced to death or life imprisonment as provided in Sections 50.5 and 51.3. In the *case* of a State, such act of mercenarism shall be regarded as a declaration of war against the Republic of Liberia (d).

§ 11.14. Criminal Malevolence.

1. *Offense*. A person has committed a first degree misdemeanor if he accuses any executive authority, judicial authority, member of the Legislature or any other public authority either by word of mouth, writing or by public broadcast, of conduct which constitutes the commission of a crime; provided, that at the time of such accusation;

(a) The conduct charged is untrue and

(b) The purpose of the actor is to thereby injure the official in his reputation and undermine his official status.

(c) "Word-of-mouth" means spreading or making known by verbal communication;

(b) "Writing" means *any* writing, written production, engraving, drawing or effigy of a government official; and

(e) "Public broadcast" means any dissemination through public channels, by sound or picture.

## ***Chapter 12. OFFENSES AGAINST GOVERNMENT INTEGRITY***

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### ***Subchapter A. OBSTRUCTING GOVERNMENT OPERATIONS***

§ 12.1. Physical obstruction of government function.

*1. Offense.* A person has committed a first degree misdemeanor if, by physical interference or obstacle, he purposely obstructs, impairs or perverts the administration of law or other government function.

*2. Applicability to obstructing arrest or discharge by a public servant of any official duty.* This section does not apply to the conduct of a person obstructing arrest of himself or another on the discharge by a public servant of any other official duty, but such conduct is subject to Section 12.2 of this Chapter,

§ 12.2. Preventing arrest or discharge of other duties.

*1. Offense.* A person has committed a first degree misdemeanor if, with the purpose of preventing a public servant from lawfully effecting an arrest of himself or another, or from discharging any other official duty, he creates a substantial risk of bodily injury to the public servant or to anyone except himself, or employs means justifying or requiring substantial force to overcome; resistance to effecting the arrest or discharging of the duty.

*2. Acting lawfully.* A public servant executing a warrant or other process in good faith and under color of law shall be deemed to be acting

lawfully.

§ 123. Obstruction of government function by public servant.

A public servant commits a misdemeanor of the first degree if he purposely obstructs, impairs or perverts the administration of law or other governmental function by committing any breach of official duty.<sup>19</sup>

§ 12.4. Hindering law enforcement.

*1. Offense.* A person is guilty of hindering law enforcement if he purposely interferes with, hinders, delays, or prevents the discovering, apprehension, prosecution, conviction or punishment of another for an offense by:

- (a) Harboring or concealing the other;
- (b) Providing the other with a weapon, money, transportation, disguise or other means of avoiding discovery or apprehension;
- (c) Concealing, altering, mutilating or destroying a document or thing, regardless of its admissibility in evidence; or
- (d) Warning the other of impending discovery or apprehension.

*2. Grading.* Hindering law enforcement is a third degree felony if the actor:

- (a) Knows of the conduct of the other and such conduct constitutes a first or second degree felony; or
- (b) Knows that the other has been charged with or convicted of a crime and such crime is a first or second degree felony.

<sup>19</sup>. *Prior legislation:* 1956 Code, 27:110-113, 118, 204, 205; L 1945-46, ch. IV; Crim.

Code, § 125, 128, 129; J.P. Code, §  
375, 102; L 1901-02, 33, 36. PENAL LAW PENAL LAW

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Otherwise, hindering law enforcement is a first degree misdemeanor. "

**§ 12.5. Aiding consummation of crime.**

*I. Offense.* A person is guilty of aiding consummation of a crime if he purposely aids another to secrete, disguise, or convert the proceeds of a crime or, otherwise profit from a crime.

*2. Grading.* Aiding consummation of crime is a third degree felony if the principal crime is a first or second degree felony, and a first degree misdemeanor if the principal crime is a third degree felony or first degree misdemeanor. Otherwise, aiding consummation of a crime is a second degree misdemeanor.<sup>2/</sup>

**§ 12.6. Failure to appear after release; bail jumping.**

*I. Offense.* A person has committed an offense if; after having been released on bail, upon condition or undertaking that he will subsequently appear at a specified time and place, he fails to appear at that time and place without justifiable excuse.

*2. Grading.* The offense is a third degree felony if the actor was released on bail in connection with a felony charge or while awaiting sentence or pending appeal after conviction of any crime and he purposely fails to appear. Otherwise, it is a first degree misdemeanor.

**§ 12.7. Escape.**

*I. Offense.* A person is guilty of escape if, without lawful authority, he removes himself from official detention or fails to return to official detention following temporary leave granted for a specified purpose or limited period.

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<sup>20.</sup> *Prior legislation:* 1956 Code, 27:8(2), 51, 190; Crim. Code, § 24, 89, 106.

<sup>21.</sup> *Prior legislation:* 1956 Code 27:190; Crim. Code § 89.

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*2. Grading.* Escape is a second degree felony if the actor uses a firearm, destructive device or other dangerous weapon in effecting or attempting to effect escape from official detention. Escape is a third degree felony if (a) the actor uses *any* other force or threat of force against another in effecting or attempting to effect escape from official detention, or (b) the person escaping was in official detention by virtue of his arrest for, or on charge of, felony or pursuant to his conviction of any offense. Otherwise, escape is a first degree misdemeanor.

*3. Definitions.* In this section:

(a) "Official detention" means arrest, custody following surrender in lieu of arrest, detention in any facility for custody of persons under charge or conviction of an offense or alleged or found to be delinquent, detention under a law authorizing such detention while criminal proceedings are held in abeyance, detention for extradition or deportation, or custody for purposes incidental to the foregoing, including transportation, medical diagnosis or treatment, a court appearance, work and recreation; but "official detention" does not include supervision on probation or parole or constraint incidental to release on bail.

(b) "Conviction of an offense" does not include an adjudication of juvenile delinquency.

*4. Defenses.* Irregularity in bringing about or maintaining detention, or lack of jurisdiction of the committing or detaining authority shall not be a defense to a prosecution under this section if the escape is from a facility used **for** official detention or from detention pursuant to commitment by an official proceeding. In the case of other detentions, irregularity or lack of jurisdiction shall be an affirmative defense if (a) the escape involved no substantial risk of harm to the person or property of anyone other than the detainee, and (b) the detaining authority did not *act* in good faith under color of law.

**§ 12.8. Public servants permitting escape.**

A public servant concerned in official detention pursuant to process



issued by a court, judge or magistrate is guilty of a first degree misdemeanor if he recklessly permits an escape and is guilty of a second degree misdemeanor if he negligently permits an escape.

"Official detention" has the meaning prescribed in Section 12.7 (3).<sup>22</sup>

**§ 12.9. Introducing or possessing contraband useful for escape.**

*1. Introducing contraband.* A person has committed a third degree felony if he unlawfully provides an inmate of an official detention facility with any tool, weapon or other object which may be useful for escape. Such person has committed a second degree felony if the object provided is a firearm, destructive device or other dangerous weapon.

*2. Possession of contraband.* An inmate of an official detention facility has committed a third degree felony if he unlawfully procures, makes or otherwise provides himself with, or has in his possession, any tool, weapon or object which may be useful for escape. Such person has committed a second degree felony if the object above described is a firearm, destructive device or other dangerous weapon.

*3. Definitions,* in this section:

- (a) "Unlawfully" means surreptitiously or contrary to a statute or regulation, rule or order issued pursuant thereto;
- (b) "Official detention" has the meaning prescribed in Section 12.7 (3).

**§ 12.10. Inciting or leading riot in detention facilities.**

*1. Offense.* A person has committed a second degree felony if, with the purpose of causing, continuing or enlarging a riot, he solicits a group of five or more persons to engage in a riot in a facility used for official

<sup>22.</sup> *Prior legislation:* 1956 Code 27:1 IQ, 111, 112, 113; L. 1945-46, ch. IV; Crim. Code, § 125.

detention or engages in conduct intended to serve as the beginning of or

signal for such riot, or participates in planning such riot, or, in the course of such riot, issues commands or instructions in furtherance thereof.

*2. Definitions.* In this section:

- (a) "riot" has the meaning prescribed in Section 17.1;
- (b) "official detention" has the meaning prescribed in Section 12.7 (3).

**§ 12.11. Smuggling.**

*1. Offense.* A person is guilty of smuggling if he:

- (a) Knowingly evades examination by the Government of an object being introduced into Liberia;
- (b) Knowingly deceives the Government as to a matter material to an examination by the Government of an object being introduced into Liberia;
- (c) Knowingly evades assessment or payment when due, of the customs duty upon an object being introduced into Liberia;
- (d) Knowingly introduces an object into Liberia, the introduction of which is prohibited pursuant to statute or regulation;
- (e) Receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment or sale of an object, the assessment or payment of the duty upon which is being evaded or the introduction of which is prohibited pursuant to statute or regulation, knowing that the object was unlawfully introduced into Liberia.
- (f) Knowingly removes or exports an object from Liberia, the removal or exportation of which is prohibited by statute or regulation, or knowingly evades the payment of duty or other charges imposed by



law on any object exported from Liberia.

2. *Grading.* Smuggling is a felony of the third degree if:

- (a) The highest value of the object determined by any reasonable standard exceeds \$500;
- (b) The duty which would have been due on the object exceeds \$100;
- (c) The actor knows that the introduction, removal or exportation is prohibited because the object may cause serious bodily injury or substantial property damage.

Otherwise smuggling is a misdemeanor of the first degree.

3. *Terms defined.* In this section:

- (a) "introduces" and variants thereof mean importing or transporting or bringing into, or landing in, Liberia from outside Liberia or from customs custody or control;
- (b) "object" includes articles, goods, wares and merchandise and an animate as well as inanimate things.

4. *Acts of smuggling is one offense.* Acts of smuggling committed pursuant to one scheme or course of conduct may be charged as one offense, and the value at or the duty owing on, the objects introduced may be aggregated in determining the grade of offense.<sup>23</sup>

#### **§ 12.12. Refusal to testify before, or hindering certain official bodies.**

A person has committed a first degree misdemeanor if, without lawful privilege or excuse, in the course of an official proceeding before the

<sup>23</sup>. *Prior legislation:* L. 1971:71, Act to amend the penal Law with respect to smuggling; 1956 Code 27:100-102; Law approved Dec. 16, 1940, § 8, 9; L. 1939-40, ch. XVII; Crim. Code, § 124.

- (a) Refuses, after lawful process, to appear or to produce the material

Legislature, an administrative body of the government, or any lawfully constituted body of government, he

required of him, or be sworn or make equivalent affirmation as a witness, or answer a pertinent question and continues in such refusal after the person presiding thereat directs him to answer and advises him that his continuing refusal may subject him to criminal prosecution; or

- (b) Purposely hinders such official proceeding by noise or violent or tumultuous behavior.<sup>24</sup>

### ***Subchapter B. PERJURY AND OTHER FALSIFICATION IN OFFICIAL MATTERS***

#### **§ 12.30. Perjury.**

1. *Offense.* A person has committed perjury, a third degree felony, if, in official proceeding, he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a false statement previously made, when the statement is material and he does not believe it to be true.

2. *Corroboration.* No person shall be convicted of perjury where proof of falsity rests solely upon contradiction by the testimony of one person.

3. *inconsistent statements.* Where in the course of one or more official proceedings, the defendant made manifestly inconsistent statements under oath or equivalent affirmation, both having been made within the period of the statute of limitations, the prosecution may set forth the statements in a single count, alleging in the alternative that one or the other was false and not believed by the defendant to be true. Proof that

<sup>24</sup>. *Prior legislation:* 1956 Code 27:200; Crim. Code, § 90.

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the defendant made such statements shall constitute a *prima facie* case that one or the other of the statements was false; but in the absence of sufficient proof of which statement was false, the defendant may be convicted under this section only if each of such statements was material to the official proceeding in which it was made.

4. *Definitions.* As used in this section:

(a) "official proceeding" means a proceeding heard or which may *be* heard before any legislative, judicial, administrative or other governmental agency or official authorized to *take* evidence under oath, including any referee, hearing examiner, commissioner, notary or other person taking testimony of deposition in connection with any such proceeding;

(b) "statement" means any representation, but includes a representation of opinion, belief or other state of mind only if the representation clearly relates to the state of mind apart from or in addition to any facts which are the subject of the representation.<sup>21</sup>

§ 12.31. False statements.

1. *False swearing in official proceedings.* A person has committed a first degree misdemeanor if, in an official proceeding, he makes a false statement, whether or not material, under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, if he does not believe the statement to be true.

2. *Other falsity in governmental matters.* A person has committed a first degree misdemeanor if, in a governmental matter, he

(a) Makes a false statement, when the statement is material and he does not believe it to be true;

(b) Purposely creates a false impression in a written application for pecuniary or other benefit, by omitting information necessary to prevent a material statement therein from being misleading;

(c) Submits or invites reliance on any material writing which he knows to be forged, altered or otherwise lacking in authenticity; or

(d) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false in a material respect.

(e) Statement in criminal investigation. This section does not apply to information given during the course of an investigation into possible commission of an offense unless the information is given in an official proceeding or the declarant is otherwise under a legal duty to give the information.

(f) Definitions. A matter is a "governmental matter" if a branch of government, whether executive, legislative or judicial, or government agency has the power to adjudicate rights, establish binding regulations, make monetary awards or contracts, or grant governmental privilege with respect to the matter. "Official proceeding" and "statement" are defined as stated in paragraph 4 of Section 12.30.24

(g) § 12.32. General provisions for perjury and false statements.

(h) Materiality. Falsification is material regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the official proceeding or the disposition of the matter in which the statement is made. Whether a falsification is material in a given factual situation is a question of law. It is no defense that the declarant mistakenly believed the falsification to be immaterial.

(i) Irregularities no defense. It is no defense to a prosecution under Section 12.30 or 12.31 that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make

(j) 26. Prior legislation: 1956 Code 27:195; Crim. Code, § 99.

(k)

25. Prior legislation: 1956 Code 27:195; Crim. Code, § 99,

the statement. A document purporting to be made upon oath or affirmation at a time when the actor represents it as being so verified shall be deemed to have been duly verified or affirmed.

3. *Defense or retraction.* It is an affirmative defense to prosecution under Section 12.30 or 12.31 that the actor retracted the falsification in the course of the official proceeding or matter in which it was made, if he did so before it became manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding or matter.

**§ 12.33. False reports to law enforcement officials.**

1. *Offense.* A person has committed an offense if he:

(a) Gives false information to a law enforcement officer with the purpose of falsely implicating another; or

(b) Falsely reports to a law enforcement officer or other security official the *occurrence* of a crime of violence or other incident calling for an emergency response when he knows that the incident did not occur. "Security official" means firearm or other public servant responsible for averting or dealing with emergencies involving public safety.

2. *Grade.* An offense under paragraph 1(a) is a first degree misdemeanor; an offense under paragraph 1(b) is a second degree misdemeanor.

**§ 12.34. Tampering with public records.**

1. *Offense.* A person has committed a first degree misdemeanor if he:

(a) Knowingly makes a false entry in or false alteration of a government record; or

(b) Knowingly and without lawful authority destroys, conceals, removes or otherwise impairs the verity or availability of a government

record.

2. *Definition.* In this section "government record" means:

(a) Any record, document or thing belonging to, or received or kept by the government for information or record;

(b) Any other record, document or thing required to be kept by other under a statute which expressly invokes the sanctions of this section.

**§ 12.35. Impersonating officials.**

1. *Offense.* A person has committed an offense if he falsely pretends to be:

(a) A public servant or foreign official and acts as if he were exercising the authority of such public servant or foreign official; or

(b) A public servant or a former public servant or a foreign official and thereby obtains a thing of value.

2. *Defense precluded.* It is not a defense to prosecution under this section that the pretended capacity did not exist or the pretended authority could not legally or otherwise have been exercised or conferred.

3. *Definition.* In this section "foreign official" means an official of a foreign government of a character which is customarily accredited as such to Liberia, the United Nations or other international organizations, and includes diplomatic and consular officials.

4. *Grading.* An offense under paragraph 1(a) is a first degree misdemeanor; an offense under Paragraph 1(b) is a second degree misdemeanor.<sup>27</sup>

<sup>27</sup> *Prior legislation:* 1956 Code 27:120; L. 1937, ch. XXV, art 10, 51; Crim. Code & 104.

*Subchapter C. OBSTRUCTION OF JUSTICE*

§ 12.40. Tampering with witnesses and informants in proceedings.

*I. Tampering.* A person has committed a third degree felony if he uses force or threat against another or engages in deception or bribery of another:

- (a) With the purpose of influencing the other's testimony in an official proceeding; or
- (b) With the purpose of inducing or otherwise causing the other;
  - (i) To withhold any testimony, information, document or thing from an official proceeding, whether or not the other person would be legally privileged to do so;
  - (ii) To violate Section 12.42 of this chapter, relating to tampering with physical evidence;
  - (iii) To elude legal process summoning him to testify in an official proceeding; or
  - (iv) To absent himself from an official proceeding to which he has been summoned under color of law.

*2. Soliciting or accepting bribe.* A person has committed a third degree felony if he solicits, accepts or agrees to accept from another a thing of pecuniary value as consideration for:

- (a) Changing his testimony in an official proceeding; or
- (b) Engaging in the conduct described in clauses (i) through (iv) of subchapter (1) (b).

*3. Defenses.*

(a) It is an affirmative defense to a prosecution under this section for use of threat with intent to influence another's testimony that the defendant did not threaten unlawful harm, and sought thereby to influence the other to testify truthfully.

(b) This section does not apply to the offer, giving or agreement to give, or the solicitation, acceptance or agreement to accept, a thing of value as consideration for a person's refraining from initiating the prosecution or investigation of an offense as a good faith attempt to pay or obtain what either one of the parties believes due the recipient or proposed recipient as restitution or indemnification for harm caused by the offense. Inapplicability under this paragraph is an affirmative defense.

(c) It is no defense to a prosecution under this section that an official proceeding was not pending or about to be instituted.

*4. Definitions.* In this section:

(a) "uses force or threat directed against another or deception or bribery of another" includes the use of force or threat directed against and deception or bribery of the other's spouse, guardian or relative residing in the same household with him;

(b) A person engages in bribery of the person whose conduct he intends to influence, induce or cause, if he offers, gives or agrees to give such other person a thing of value as consideration for the conduct sought.

(c) "official proceeding" is defined as stated in Section 12.30(4) (a).

*5. Witness fees and expenses.* This section shall not be construed to prohibit the payment or receipt of witness fees provided by statute, or the payment by the party upon whose behalf a witness is called, and receipt by a witness, of the reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at an official proceeding or, in the case of expert witnesses a reasonable fee for preparincl, and

presenting an expert opinion.<sup>28</sup>

§ 12.41. Tampering in criminal investigations.

1. *Tampering.* A person has committed a third degree felony if, believing another may have information relating to an offense, he deceives such other person or employs force, threat or bribery with intent to hinder, delay or prevent communication of such information to a law enforcement officer.

2. *Soliciting bribe.* A person has committed a third degree felony if, having information relating to an offense, he solicits, accepts or agrees to accept from another a thing of pecuniary value, other than restitution to him of his own property or its equivalent, as consideration for delaying or withholding communication of such information to law enforcement officers.

3. *Definitions.* The definitions in Section 12.40 (4) (a), (b) apply to this section.<sup>29</sup>

§ 12.42. Tampering with physical evidence.

1. *Offense.* A person is guilty of an offense if, believing an official proceeding is pending or about to be instituted or believing process, demand or order has been issued or is about to be issued, he alters, destroys, mutilates, conceals or removes a record, document or thing with the purpose of impairing its verity or availability in such official proceeding or for the purposes of such process, demand or order.

2. *Solicitation.* A person is guilty of an offense if he solicits another to commit the offense defined in paragraph (1) of this section.

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28. *Prior legislation:* 1956 Code 27:191, 192, 193, 194, 196; Crim. Code §§ 94, 95, 96, 102, 103.

29. *Prior legislation:* 1956 Code 27:190; Crim. Code, § 94.

3. *Grading.* The offense is a third degree felony if the actor purposely and substantially obstructs, impairs or perverts prosecution for a felony. Otherwise, it is a first degree misdemeanor.

4. *Definition.* In this section "process, demand or order" means process, demand or order authorized by law for the seizure, production, copying, discovery or examination of a record, document or thing.<sup>30</sup>

§ 12,43. Harassment of **and communication with jurors.**

1. *Clffense.* A person has committed a first **degree** misdemeanor if, with the purpose of influencing the official action of another as a juror, he communicates with him other than as part of the proceedings in *a case*, or harasses or alarms him. Conduct directed against the juror's spouse or other relative residing in the same household with the juror shall be deemed conduct directed against the juror.

2. *Definition.* In this section "juror" means a grand-juror or a petit juror and includes a person who has been drawn or summoned to attend as a prospective juror.<sup>31</sup>

**Subchapter D. BRIBERY AND INTIMIDATION**

§ 12.50. Bribery.

1. *Offrnse.* A person has committed bribery, a second degree felony, if he knowingly offers, gives or agrees to give to another, or solicits, accepts or agrees to accept from another, a thing of value as consideration for:

- (a) The recipient's official action as a public servant; or

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*Prior legislation:* 1956 Code 27:197; Crim. Code, § 92.

30. *Prior legislation.* 1956 Code 27:190, 191, 192, 194; Crim. Code, §§ 895<sup>94</sup>, 103, 31

(b) The recipient's violation of a known duty as a public servant.

2. *Defense precluding.* It is no defense to a prosecution under this section that a recipient was not qualified to act in the desired way whether because he had not yet assumed office, or lack jurisdiction, or for any other reason.

3. *Prima facie case.* A prima facie case is established under this section upon proof that the thing of value was offered, given, or agreed to be given, or solicited, accepted or agreed to be accepted, as consideration for the recipient's official action or violation of a known legal duty as a public servant if:

(a) The consideration was a thing of pecuniary value; and

(b) The actor knew that he was offered, given or agreed to be given by, or solicited, accepted from a person having an interest in an imminent or pending (i) investigation, arrest, or judicial or administrative proceeding, or (ii) bid, contract, claim or application, and that interest could be affected by the recipient's performance or non-performance of his official action or violation of his known legal duty as a public servant.<sup>32</sup>

**§ 12.51. Unlawful rewarding of public servants.**

1. *Receiving unlawful reward.* A public servant has committed a first degree misdemeanor if he solicits, accepts or agrees to accept a thing of pecuniary value for:

(a) Having engaged in official action as a public servant; or

(b) Having violated a legal duty as a public servant.

2. *Giving unlawful reward.* A person has committed a first degree

**misdemeanor if he knowingly offers, gives or agrees to give a thing of pecuniary value, receipt of which is prohibited by this section.<sup>1</sup>**

**§ 12.52. Unlawful compensation for assistance in government matters.**

1. *Receiving unlawful compensation.* A public servant has committed a first degree misdemeanor if he solicits, accepts or agrees to accept a thing of pecuniary value as compensation for advice or other assistance in preparing or promoting a bill, contract, claim or other matter which is or is likely to be subject to his official action.

2. *Giving unlawful compensation.* A person has committed a first degree misdemeanor if he knowingly offers, gives or agrees to give a thing of pecuniary value to a public servant, receipt of which is prohibited by this section.

**§ 12.53. Trading in public office and political endorsement.**

1. *Offense.* A person has committed a first degree misdemeanor if he solicits, accepts or agrees to accept or offers, gives or agrees to give a thing of pecuniary value as consideration for approval or disapproval by a public servant or party official of a person for:

(a) Appointment, employment, advancement or retention as a public servant; or

(b) Designation or nomination as a candidate for elective office.

2. *Definitions.* In this section:

(a) "approval" includes recommendation, failure to disapprove, or any other manifestation of favour or acquiescence;

(b) "disapproval" includes failure to approve or any other mani-

32. *Prior legislation:* 1956 Code 27:116; Law approved Doc. 16, 1940, §§ 17, 18; L. 1936, ch. 111; Crim. Code § 89; L. 1908-09, 48, § 2.

33, As amended by the Interim National Assembly, July 9, 1985.

festation of disfavor or nonacquiescence;

(a) "Party official" means a person who holds a position or office in a political party, whether by election, appointment or otherwise.

§ 12.54. Threatening public servants.

1. *Threats relating to official proceedings or to secure breach of duty.* A person has committed a third degree felony if he threatens harm to another with the purpose of influencing his official action as a public servant in a pending or prospective judicial or administrative proceeding held before him, or with the purpose of influencing him to violate his duty as a public servant.

2. *Other threats.* A person has committed a third degree felony if, with the purpose of influencing another's official action as a public servant, he threatens:

- (a) To commit any crime or to do anything unlawful;
- (b) To accuse anyone of a crime; or
- (c) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person, living or dead, to hatred, contempt or ridicule, or impair another's credit or business reputation.

3. *Defense precluded* It is no defense to a prosecution under this section that a person whom the actor sought to influence was not qualified to act in the way desired, whether because he had not yet assumed office or lacked jurisdiction or for any other reason.<sup>34</sup>

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34. *Prior legislation:* 1956 Code 27:119; Crim. Code, § 134.

***Subchapter E. ABUSE OF OFFICE***

§ 12.70. Official oppression.

A person acting or purporting to act in an official capacity of taking advantage of such actual or purported capacity commits a first degree misdemeanor if he knowingly:

- (a) Subjects another to unlawful arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien, or other infringement of personal or property rights; or
- (b) Denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity.<sup>31</sup>

§ 12.71. Unlawful disclosure of confidential information.

A person has committed a first degree misdemeanor if, in knowing violation of a duty imposed on him as a public servant, *he* discloses or makes known in any manner any confidential information which he has acquired as a public servant "Confidential information" means information made available to the government under governmental assurance of confidence.

§ 12.72. Speculating or wagering *on* official action or information.

1. *Speculating during and after employment.* A person has committed a first degree misdemeanor during employment as a public servant or within one year thereafter, in contemplation of official action by himself as a public servant or by an agency of the government with which he is or has been associated as a public servant, or in reliance on information ~~to which he has or had access~~ only in his capacity as a public servant, he;

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33. *Prior legislation:* 1956 Code 27:111-113; L. 1945-46, ch. IV.

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3. *Deportation.* Any alien convicted of a second offense under paragraph 1 is subject to deportation.

4. *Dissolution of corporation.* Any corporation convicted of a second offense under paragraph 1 is subject to dissolution at the suit of the Minister of Justice under Chapter 16 of the Civil Procedure Law.<sup>36</sup>

**Chapter 14. OFFENSES INVOLVING DANGER TO THE PERSON**

**Subchapter A. Criminal homicide.**

§ 14.1. Murder.

§ 14.2. Manslaughter.

§ 14.3. Negligent homicide.

§ 14.4. Causing or aiding suicide.

**Subchapter B. Assaults, endangering behavior and threats.** § 14.20. Aggravated assault.

§ 14.21. Simple assault.

§ 14.22. Offensive touching.

§ 14.23. Recklessly endangering another person.

§ 14.24. Terroristic threats.

§ 14.25. Menacing.

§ 14.26. Threats against the President and successors to the

Presidency. § 14.27. Criminal coercion.

§ 14.28. Harassment.

§ 14.29. Consent as a defense.'

**Subchapter C. Kidnapping and related offenses.** § 14.50. Kidnapping.

§ 14.51. Felonious restraint.

§ 14.52. False imprisonment.

<sup>36</sup>. *Prior legislation:* 1957-55 Supp. 27:263; L. 1957.58, ch. XVI; 1956 Code 27:262; L. 1950-51, ch. XXXa.

(a) Acquires a pecuniary interest in any property, transaction or enterprise which may be affected by such information or official action;

(b) Speculates or wagers on the *basis* of such information or official action; or

(c) Aids another to do any of the foregoing.

2. *Taking official action after speculation.* A person has committed a **first** degree misdemeanor if as a public servant he takes official action which is likely to benefit him as a result of an acquisition of a pecuniary interest in any property, transaction or enterprise, or of a speculation or wager, which he made, or caused or aided another to make, in contemplation of such official action.

**Chapter 13. OFFENSES AGAINST CIVIL RIGHT**

§ 13.1. Criminal discrimination.

§ 13.1. Criminal discrimination.

*Offinse.* Except insofar as otherwise expressly required or permitted by law, any public servant or other person who, in the conduct of the government or of any educational enterprise, place of worship, labor union, hospital, cafe, hotel, restaurant, transportation facility, housing facility, or business or public accommodation generally, either commits or omits doing an act or threatens to do an act to the prejudice of another person which discriminates against such person because of his or his spouse's race, color, clan, tribe, national origin or religion, is guilty of a first degree misdemeanor.

2. *Presumption.* Termination of the services of an employee within sixty days after his marriage to a person of a different race shall give rise to a **presumption** that the termination of services was discriminatory against him because of the race of his spouse.

§ 14.53. Interference with custody.

Subchapter D. Sexual offenses.

§ 14.70. Rape.

§ 14.71. Gross sexual imposition.

§ 14.72. Aggravated involuntary sodomy.

§ 14.73. Involuntary sodomy.

§ 14.74. Voluntary sodomy.

§ 14.75. Corruption of minors.

§ 14.76. Sexual abuse of wards.

§ 14.77. Sexual assault.

§ 14.78. General provisions relating to sections on sexual crimes against the person.

§ 14.79. Definitions relating to sections on sexual crimes against the person.

### *Subchapter A. CRIMINAL HOMICIDE*

§ 14.1. Murder.

A person is guilty of murder if he:

(a) Purposely or knowingly causes the death of another human being;

Or

(b) Causes the death of another human being under circumstances manifesting extreme indifference to the value of human life. A rebuttable presumption that such indifference exists arises if the defendant is engaged or is an accomplice in the commission of, or an attempt to commit, or flight after committing or attempting to commit, treason, offenses defined in Sections 11.2 or 11.3 of this title, espionage, sabotage, robbery, burglary, kidnapping, felonious restraint, arson, rape, aggravated involuntary sodomy, escape, piracy, or other felony involving force or danger to human life.

Murder is a felony of the first degree but a person convicted of murder may be sentenced to death or life imprisonment as provided in Sections

50.5 and 51.3.<sup>37</sup>

§ 14.2. Manslaughter.

A person is guilty of manslaughter if he:

(a) Recklessly causes the death of another human being; or

(b) Causes the death of another human being under circumstances which would be murder except that he causes the death under the influence of extreme emotional disturbance for which there is reasonable excuse. The reasonableness of the excuse shall be determined from the viewpoint of a person in his situation under the circumstances as he believes them to be. An emotional disturbance is excusable, within the meaning of this section, if it is occasioned by provocation, event or situation for which the offender was not culpably responsible.

Manslaughter is a felony of the second degree.

§ 14.3. Negligent homicide.

A person is guilty of negligent homicide if he causes the death of another human being negligently. Negligent homicide is a felony of the third degree.<sup>39</sup>

§ 14.4. Causing or aiding suicide.

1. *Causing suicide.* A person may be convicted of murder for causing another to commit suicide if he purposely causes such suicide by force, duress or deception.

37. *Prior legislation:* 1956 Code 27:232, 236; L. 1923-24, ch. XIII; Crim. Code §§ 44, 55.

38. *Prior legislation:* 1956 Code 27:232(5), 233; Crim. Code, § 56.

39. *Prior legislation:* 1956 Code, 27:233(2); Crim. Code, § 56.

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2. *Aiding or soliciting suicide.* A person who purposely aids or solicits another to commit suicide is guilty of a felony of the second degree if his conduct causes such suicide or attempted suicide, *and* otherwise of a misdemeanor of the first degree.<sup>40</sup>

***Subchapter B. ASSAULTS, ENDANGERING BEHAVIOR AND THREATS***

§ 14.20. Aggravated Assault.

A person is guilty of aggravated assault if he:

- (a) Causes serious bodily injury to another purposely, knowingly, or recklessly; or
- (b) Purposely or knowingly causes bodily injury to another with a deadly weapon. Aggravated assault is a felony of the second degree."

§ 14.21. Simple assault.

A person is guilty of simple assault if he:

- (a) Purposely, knowingly or recklessly causes bodily injury to another; or
- (b) Negligently causes bodily injury to another with a deadly weapon.

Simple assault is a misdemeanor of the first degree unless committed in an unarmed fight or scuffle entered into by mutual consent, in which case it is a misdemeanor of the second degree.<sup>42</sup>

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<sup>40.</sup> *Prior legislation:* 1956 Code 27:232(4); Crim. Code, § 55.

<sup>41.</sup> *Prior legislation:* 1936 Code 27:239-242; Crim. Code, §§ 46-48, 61.

<sup>42.</sup> *Prior legislation:* 1956 Code 27:238; Crim. Code, § 45.

§ 14.22. Offensive touching.

A person who, with the purpose of offending another person not a member of his household, by any means strikes or touches such other person, is guilty of an infraction, for which the maximum fine shall be \$25.

§ 14.23. Recklessly endangering another person.

A person commits a misdemeanor of the first degree if he recklessly engages in conduct which creates a substantial risk of death or serious bodily injury to another. There is risk within the meaning of this section if the potential for harm exists, whether or not a particular person's safety is actually jeopardized. Recklessness and a substantial risk shall be presumed where a person knowingly points a firearm at or in the direction of another, whether or not the actor believes the firearm to be loaded.

§ 14.24. Terroristic threats.

A person is guilty of a felony of the third degree if he threatens to commit any crime of violence with the purpose to terrorize another or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.

§ 14.25. Menacing.

A person is guilty of a misdemeanor of the first degree if he knowingly places or attempts to place another human being in fear by menacing him with imminent serious bodily harm.<sup>43</sup>

§ 14.26. Threats against the President and successors to the Presidency.

A person is guilty of a felony of the third degree if he threatens to commit any crime of violence against the President of the Republic of

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<sup>43.</sup> *Prior legislation.* 1956 Code 27:238; Crim. Code, § 45.

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Liberia, the President-elect, the Vice President or, if there is no Vice President, the officer next in order of succession to the office of President of the Republic of Liberia, the Vice President-elect, or any person who is acting as President under the Constitution and laws of Liberia:

- (a) By a communication addressed to or intended to come to the attention of such official or his staff; or
- (b) Under any circumstances in which the threat is likely to be taken seriously as an expression of settled purpose.

"Threat" includes any knowingly false report that such violence is threatened or imminent.

§ 14.27. Criminal coercion.

*I. Offense.* A person is guilty of criminal coercion if, with the purpose unlawfully to compel another to engage in or refrain from conduct, he threatens to:

- (a) Commit any criminal offense; or
- (b) Accuse anyone of a criminal offense; or
- (c) Expose any secret or publicize an asserted fact tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute.

*2. Defense.* It is an affirmative defense to prosecution based on paragraphs (b) or (c) of paragraph 1 that the actor believed the accusation or secret or asserted if act to be true and that his purpose was limited to compelling the other to behave in a way reasonably related to the circumstances which were the subject of the accusation or exposure as by desisting from further misbehavior, making good a wrong done, or refraining from taking any action or responsibility for which the actor believes the other disqualified.

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*3. Grading.* Criminal coercion is a misdemeanor of the first degree unless the threat is to commit a felony, in which case the offense is a felony of the third degree.

§ 14.28. Harassment.

A person is guilty of a misdemeanor of the second degree if, with intent to frighten or harass another, he:

- (a) Communicates in writing a threat to commit any violent felony;
- (b) Makes a telephone call anonymously or in offensively coarse language; or
- (c) Makes repeated telephone calls, whether or not a conversation ensues, with no purpose of legitimate communication.

§ 14.29. Consent as a defense.

*I. When a defense.* When conduct is an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury by all persons injured or threatened by the conduct is an affirmative defense if:

- (a) Neither the injury inflicted nor the injury threatened is a serious bodily injury;
- (b) The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sports.
- (c) The conduct and the injury are reasonable foreseeable hazards of an occupation or profession or of medical or scientific experimentation conducted by recognized methods, and the persons subjected to such conduct or injury having been made aware of the risks involved, consent to the performance of the conduct or the infliction of the injury.

2. *Ineffective consent.* Assent does not constitute consent, within the meaning of this section, if;

- (a) It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense and such incompetence is manifest or known to the actor;
- (b) It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable, or known by the actor to be unable, to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
- (c) It is induced by force, duress or deception.

### *Subchapter C. KIDNAPPING AND RELATED OFFENSES*

#### § 14.50. Kidnapping.

*1 Offense.* A person is guilty of kidnapping if he unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for substantial period in a place of isolation, with any of the following purposes:

- (a) To hold for ransom or reward;
- (b) To use him as a shield or hostage;
- (c) To hold him in a condition of involuntary servitude;
- (d) To facilitate commission of any felony or flight thereafter;
- (e) To inflict bodily injury on or to terrorize the victim or another; or
- (f) To interfere with the performance of any governmental or

political function.

2. *Grading.* Kidnapping is a felony of the first degree unless the actor voluntarily releases the victim alive and in a safe place prior to trial, in which case it is a felony of the second degree.

3. *When removal or confinement is unlawful.* A removal or confinement is unlawful within the meaning of this section if it is accomplished by force, threat, or deception, or, in the case of a person who is under the age of 14 or incompetent, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.<sup>44</sup>

#### § 14.51. Felonious restraint.

A person commits a felony of the third degree if he knowingly:

- (a) Restrains another unlawfully in circumstances exposing him to risk or serious bodily injury; or
- (b) Restrains another with the purpose of holding him in a condition of involuntary servitude.<sup>45</sup>

#### § 14.52. False imprisonment.

A person commits a misdemeanor of the first degree if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.<sup>46</sup>

<sup>44.</sup> *Prior legislation:* 1956 Code 27:247, 260; Crim. Code, §§ 59, 64; OBB; 92, of the slave trade, art. II; 1841 Digest, pt. 1, Act regulating commerce and revenue, §§ 7, 8, 2 Hub. 1840.

<sup>45.</sup> *Prior legislation:* 1956 Code 27:247, 260, 261; Crim. Code, §§ 59, 64; L. 1930-31, ch. 111.

<sup>46.</sup> *Prior legislation.* 1956 Code 27:246; Crim. Code, § 54.