EURALIUS Consolidation of the Justice System in Albania

Project funded by the European Union

CRIMINAL CODE OF THE REPUBLIC OF ALBANIA

KODI PENAL I REPUBLIKËS SË SHQIPËRISË

DISCLAIMER

Please note that the translation provided below is only provisional translation and therefore does NOT represent an official document of Republic of Albania. It confers no rights and imposes no obligations separate from does conferred or imposed by the legislation formally adopted and published in Albanian language.

Unofficial translation of the consolidated version of the Law 7895, dated 27/01/1995, Criminal Code of the Republic of Albania. The consolidated version as of December 2013 has been done by PAMECA, while the two last amendments referred to hereunder have been done by EURALIUS IV.

Amending Law no 98/20141
Amending Law no 176/20142

Date of compilation: 2015/06/11

Law No. 7895, dated 27 January 1995

CRIMINAL CODE OF THE REPUBLIC OF ALBANIA

TABLE OF CONTENTS

GENERAL PART

CHAPTER I -CRIMINAL LAW AND ITS APPLICATION

[1] This law contains a temporary provision as follows:
Article 9

Entry into effect

This law shall enter into effect 15 days after its publication in the Official Journal.
It was approved by Parliament on 31/07/2014 and promulgated by the President of Republic of Albania by Decree no 8676, on 15/08/2014

[2] This law contains a temporary provision as follows:
Article 4

Entry into effect

This law shall enter into effect 15 days after its publication in the Official Journal.
It was approved by Parliament on 18/12/2014 and promulgated by the President of Republic of Albania by Decree no 8893 on 09/01/2015

E-mail: info@euralius.eu
Web: www.euralius.eu
Mob: +355 68 80 46 000
Tel. +355 4 22 40 333

CILC aed

Article 1 - Criminal Law and classification of criminal acts
Article 1/a - Basics of the criminal/penal legislation
Article 1/b - Tasks of the criminal legislation
Article 1/c - Principles of the Criminal Code
Article 2 - Unlawful sentencing
Article 3 - Operation in time of the criminal law
Article 4 - Ignorance of law
Article 5 - Territory of the Republic of Albania
Article 6 - The applicable law on criminal acts committed by Albanian citizens
Article 7 - The applicable law on criminal acts committed by foreign citizens
Article 7/a – Universal jurisdiction
Article 8 - Applicable law on criminal acts committed by a person without nationality
Article 9- Internationally Protected Persons
Article 9/a - Responsibility of a foreign citizen who enjoys immunity
Article 10 - Validity of criminal sentences of foreign courts
Article 11 - Extradition

CHAPTER II - CRIMINAL RESPONSIBILITY
Article 12 - Age for criminal responsibility
Article 13 - Causal connection
Article 14 - Guilt
Article 15 - Intention
Article 16 - Negligence
Article 17 - Irresponsibility because of the person’s mental state
Article 18 - Criminal act committed when inebriated
Article 19 - Necessary defense
Article 20 - Extreme necessity
Article 21 - Exercising a right or fulfilling a duty

CHAPTER III - ATTEMPT
Article 22 - Meaning of attempt
Article 23 - Responsibility for the attempt
Article 24 - Giving up the commitment of a criminal act

CHAPTER IV - COLLABORATION OF PERSONS IN COMMITTING CRIMINAL ACTS
Article 25 - Meaning of collaboration
Article 26 - Collaborators
Article 27 - Responsibility of collaborators
Article 28 - Special forms of collaboration

CHAPTER V - PUNISHMENTS

Article 29 - Principal punishments
Article 30 - Supplementary punishments
Article 31 - Life imprisonment
Article 32 - Imprisonment
Article 33 - The manner of serving life imprisonment and imprisonment
Article 34 - Fines
Article 35 - The removal of the right to exercise public functions
Article 36 - Confiscation of means for committing the criminal crime and criminal crime proceeds
Article 37 - Ban on driving
Article 38 - Stripping decorations and honorary titles
Article 39 - Deprivation of the right to exercise a profession or activity
Article 40 - Deprivation of the right to hold leading positions
Article 41 - Denial of the right to stay in one or more administrative units
Article 42 - Expulsion from the territory
Article 43 - Publication of court sentences
Article 43/a- Removal of Parental Responsibility
Article 44 - The manner of serving supplementary punishments
Article 45 - The Application of the criminal law on legal persons/entities
Article 46 - Medical and educational sanctions

CHAPTER VI - DETERMINATION OF PUNISHMENT
Article 47 - Determination of punishment
Article 48 - Mitigating circumstances
Article 49 - [No title in the original]
Article 50 - Aggravating circumstances
Article 51 - Imprisonment sentence for minors
Article 52 - Excluding minors from punishment
Article 52/a Exclusion from serving the sentence or reduction of the sentence for collaborators of justice and victims
Article 53 – Decrease of sentence under the minimum provided for by law
Article 53/a - Substitution of an imprisonment sentence to a monetary amount to the benefit of the state
Article 54 - Accepting to pay the fine
Article 55 - Sentencing for more than one criminal act
Article 56 - Unification of sentences
Article 57 – Calculation of Detention

CHAPTER VII - ALTERNATIVES TO IMPRISONMENT
Article 58 - Semi-freedom

Article 59 - Suspension of the execution of an imprisonment sentence and placing of the sentenced person under probationary
Article 59/a Home confinement
Article 60 - Obligations of the sentenced person in probationary
Article 60/a- Obligation to quit use of alcohol or drugs
Article 61 – The convict's obligations during probation
Article 62 - Violation of the conditions and obligations during the probationary period
Article 63 - Suspension of imprisonment sentence and compulsion to perform work in public interest
Article 64 - Early release on parole
Article 65 - [No title in the original]
Article 65/a Security Period

CHAPTER VIII - CESSATION OF CRIMINAL PROSECUTION, PUNISHMENTS, AND THEIR NON-EXECUTION
Article 66 - Statute of limitations for criminal prosecution
Article 67 – Exclusion of the statute of limitations on criminal prosecution
Article 68 - Limitation on the execution of the sentence
Article 69 - Rehabilitation
Article 70 - Pardon
Article 71 - Amnesty
Article 72 - Applicability of provisions of the General Part

CHAPTER I - CRIMES AGAINST HUMANITY
Article 73 - Genocide
Article 74 - Crimes against humanity
Article 74/a - Computer dissemination of materials in favor of genocide or crimes against humanity
Article 75 - War crimes

CHAPTER II – CRIMINAL ACTS AGAINST THE PERSON; CRIMES AGAINST LIFE
SECTION I - CRIMES AGAINST LIFE COMMITTED INTENTIONALLY
Article 76 – Murder with intent
Article 77 - Murder with intent connected to another crime
Article 78 - Premeditated homicide
Article 78/a- Murder for blood feud
Article 79 - Homicides committed in other specific circumstances
Article 79/a Murder of public officials
Article 79/b Murder of State Police Officers
Article 79/c Homicide because of family relations
Article 80 - [No title in original]

Article 81 - Infanticide
Article 82 - Homicide committed in a state of profound psychiatric distress
Article 83 - Homicide committed through transcending the use of excessive force for self-defense
Article 83/a (No title)
Article 83/b – Incitement for blood feud
Article 84 – Threat
Article 84/a Threat due to racist and xenophobic motives through the computer system
SECTION II - CRIMES AGAINST THE PERSON COMMITTED BY NEGLIGENCE
Article 85 - Manslaughter
SECTION III - CRIMINAL ACTS INTENTIONALLY COMMITTED AGAINST HEALTH
Article 86 - Torture
Article 87 - Torture resulting into serious consequences
Article 88 - Serious intentional injury
Article 88/a - Serious wounding under the conditions of strong psychic distress
Article 88/b - Serious wounding by transcending the limits of necessary defense
Article 89 - Non-serious intentional injury
Article 89/a
Article 90 - Other intentional harm
SECTION IV - CRIMINAL ACTS AGAINST HEALTH DUE TO NEGLIGENCE
Article 91 - Serious injury due to negligence
Article 92 - Non-serious injury due to negligence
SECTION V - CRIMINAL ACTS ENDANGERING THE LIFE AND HEALTH BECAUSE OF INTERRUPTION OF PREGNANCY OR REFRAINING FROM PROVIDING HELP
Article 93 - Interruption of pregnancy without the woman's consent
Article 94 - Interruption of pregnancy conducted in unauthorized places by unlicensed persons
Article 95 - Providing the utensils for interruption of pregnancy
Article 96 - Incorrect medication
Article 97 - Refraining from providing help
Article 98 - Refraining from providing help by the captain of a ship
Article 99 - Causing suicide
SECTION VI - SEXUAL CRIMES
Article 100 - Engagement in Sexual or homosexual activity with minors/children
Article 101 - Engagement in Sexual or homosexual activity by use of force minors of fourteen-to eighteen years of age
Article 102 - Sexual assault by use of force with mature/adult women
Article 102/a - Homosexual activity by use of force with adult males
Article 103 - Sexual or homosexual activity with persons who are incapable of resistance
Article 104 - Sexual or homosexual assault by use of weapon
Article 105 - Sexual or homosexual activity by abuse of official position

Article 106 -Sexual or homosexual activity with consanguine persons and persons in the position of trust
Article 107 -Sexual or homosexual activity in public places
Article 107/a Sexual Violence
Article 108 - Immoral acts
Article 108/a Sexual harassment

SECTION VII - CRIMINAL ACTS AGAINST PERSON'S FREEDOM
Article 109 - Kidnapping or holding a person hostage
Article 109/a- Kidnapping or holding hostage a person in lenitive/alleviating circumstances
Article 109/b - Forcing through blackmail or violence to give out the property.
Article 109/c Enforced disappearance
Article 110 - Unlawful detention
Article 110/a - Trafficking in adult persons
Article 110/b Benefit from or use of services provided by trafficked persons
Article 110/c Actions facilitating trafficking
Article 111 - Hijacking of planes, ships and other means
Article 112 - Breaking and entering into someone's house

SECTION VIII - CRIMINAL ACTS AGAINST MORALITY AND DIGNITY
Article 113 - Prostitution
Article 114 - Exploitation of prostitution
Article 114/a - Exploitation of prostitution with aggravated circumstances
Article 114/b - Trafficking of Women
Article 115 - Use of premises for prostitution
Article 116 – Homosexuality (Repealed by law no. 8733 dated 24.01.2001)
Article 117 - Pornography
Article 118 - Desecration of graves
Article 119 – Insulting
Article 119/a - Dissemination of racist or xenophobic materials through the computer system
Article 119/b - Insulting due to racist or xenophobic motives through the computer system
Article 120 - Libel
Article 121 - Intruding into someone's privacy
Article 121/a Stalking
Article 122 - Spreading personal secrets
Article 123 - Obstruction or violation of the privacy of correspondence

SECTION IX - CRIMINAL ACTS AGAINST CHILDREN, MARRIAGE AND FAMILY
Article 124 - Abandonment of minor children
Article 124/a - Asking or reception of remuneration for adoption procedures
Article 124/b – Maltreatment of minors

Article 125 - Denial of support
Article 126 - Failing to inform on the changing of domicile
Article 127 - Taking the child unlawfully
Article 128 – Child swapping
Article 128/a - Deliberately hiding or swapping a child
Article 128/b - Trafficking of Minors
Article 129 - Inducing minors to criminality
Article 130 - Coercion or obstruction of cohabitating, concluding or dissolving a marriage
Article 130/a Domestic Violence

SECTION X - CRIMINAL ACTS AGAINST FREEDOM OF RELIGION
Article 131 - Obstructing the activities of religious organizations
Article 132 - Destructing or damaging places of worship
Article 133 - Obstructing religious ceremonies

CHAPTER III - CRIMINAL ACTS RELATED TO PROPERTY OR IN THE ECONOMIC AREA
SECTION I - THEFT OF PROPERTY
Article 134 - Theft
Article 135 - Theft through abuse of office
Article 136 - Bank robbery and robbery of savings bank branches
Article 137 – Theft of electrical power or telephone impulses
Article 137/a Theft (unauthorized use) of electronic communications network
Article 138 – Theft of works of art and culture
Article 138/a – Trafficking of works of art and culture
Article 139 - Robbery
Article 140 – Armed robbery
Article 141 - Theft resulting in death
Article 141/a - Trafficking of motor vehicles
Article 142 - Providing equipment for theft

SECTION II - FRAUD
Article 143 - Fraud
Article 143/a - Fraudulent and pyramid schemes
Article 143/a/1- Manipulating the market
Article 143/a/2 Unauthorized Use and Divulgence of Privileged Information
Article 143/a/3 Manipulating Price and Disseminating False Information
Article143/a/4 Submitting False Data and Disseminating Data without Authorization
Article 143/a/5 Unauthorized Registration of Securities in the Stock Exchange
Article 143/a/6 Concealment of Property
Article 143/a/7 Illegal Trading of Securities

Article 143/b Computer fraud
Article 144 - Fraud on subsidies
Article 144/a Creation of Fraudulent schemes regarding value added tax
Article 145 - Fraud on insurance
Article 146 – Loan fraud
Article 147 - Fraud on works of art and culture
Article 148 - Publication in someone's own name of the work of another person
Article 149 - Unlawful reproduction of someone else's work
Article 149/a Violation of Industrial Property Rights
Article 149/a Violation of the Rights of the Topography of Semiconductor Circuits
Article 149/b Violations of the Rights of the Topography of Semiconductor Circuits

SECTION III – DESTRUCTION OF PROPERTY
Article 150 – Destruction of property
Article 151 – Destruction of property by fire
Article 152 – Destruction of property by explosives
Article 153 – Destruction of property by flooding
Article 154 – Destruction of property with other means
Article 155 – Destruction of roads
Article 156 – Destruction of power grid networks
Article 157 – Destruction of the watering system
Article 158 - [No title in original]
Article 159 – Destruction of water-supply system
Article 160 – Destruction of works of culture
Article 161 - Destruction of property due to negligence
Article 162 – Collision of public transportation means.

SECTION IV - CRIMINAL ACTS COMMITTED IN COMMERCIAL COMPANIES
Article 163 - Drafting false statements
Article 164 - Abuse of powers
Article 164/a - Active corruption in the private sector
Article 164/b - Passive corruption in the private sector
Article 165 - Falsifying signatures
Article 166 - Irregular issue of shares
Article 167 - Unfairly holding two capacities at the same time
Article 168 - Giving false information
Article 169 – Disclosure of secrets of a company
Article 170 – Failure to write-down mandatory notes
Article 170/a - Illegal employment
Article 170/b - Illegal competition through violence

SECTION IV/I CRIMINAL OFFENCES RELATED TO THE CONDUCT OF BANKING AND FINANCIAL ACTIVITY
Article 170/c Conducting Banking Activity without a license
Article 170/ç Conducting Financial Activity without a license

SECTION V - CRIMES IN THE FIELD OF CUSTOMS
Article 171 - Smuggling of prohibited goods
Article 172 - Smuggling of goods to which excise duty apply
Article 173 - Smuggling of goods requiring license
Article 174 - Smuggling of other goods
Article 175 - Smuggling committed by custom officials
Article 176 - Smuggling of goods with cultural value
Article 177 - Smuggling of goods holding intermediate status
Article 178 - Trading and transportation of smuggled goods
Article 179 - Storing smuggled goods
Article 179/a - The non-declaration of money and of valuable objects

SECTION VI - CRIMINAL ACTS RELATED TO TAXATION AND TARIFFS
Article 180 - Concealment of income
Article 181 – Failure to pay taxes and tariffs
Article 181/a - Non completion of duties from tax authorities
Article 182 - Modification of measurement devices
Article 182/a Destruction of seals used to block or suspend a commercial activity

SECTION VII - FALSIFYING CURRENCY OR MONEY ORDERS (BOND PAPER)
Article 183 - Money counterfeiting
Article 184 - Forging valued papers/ vouchers
Article 185 - Producing instruments for forgery

SECTION VIII – FALSIFICATION OF DOCUMENTS
Article 186 - Falsification of Documents
Article 186/a – Computer falsification
Article 187 – Falsification of school documents
Article 188 – Falsification of health-related documents
Article 189 - Falsification of Identity Documents, Passports or Visas
Article 190 - Falsification of Seals, Stamps or Forms
Article 191 - Falsification of Civil Status Documents
Article 192 - Production of devices for falsification of documents
Article 192/a - Disappearance and theft of documents
Article 192/b – Unauthorized computer interference

SECTION IX - CRIMINAL ACTS IN THE AREA OF BANKRUPTCY
Article 193 - Provoked bankruptcy
Article 194 - Concealment of bankruptcy status
Article 195 - Concealment of assets after bankruptcy
Article 196 - Failure to comply with obligations

SECTION X - UNLAWFUL LOTTERIES AND GAMBLING
Article 197 - Organizing unlawful lotteries
Article 197/a - Predetermining results in sports contests
Article 197/b - Distortion of competition in sports contests
Article 198 - Providing the premises for unlawful gambling

SECTION XI - ~~CRIMINAL ACTS WHICH VIOLATE THE LEGAL STATUS OF LAND~~ CRIMINAL OFFENCES IMPACTING THE LEGAL REGIME OF LAND ~~AND CONSTRUCTIONS~~
Article 199 - Misuse of land
Article 199/a - Illegal construction
~~Article 199/b -~~ **~~Providing assistance to unlawful construction~~**
Article 200 – Occupation of land

CHAPTER IV - CRIMINAL ACTS AGAINST ENVIRONMENT
Article 201 – Air pollution
Article 202 – Transportation of toxic waste
Article 203 – Pollution of waters
Article 204 - Prohibited fishing
Article 205 - Unlawful cutting of forests
Article 206 - Cutting of decoration and fruit trees
Article 206/a - Destruction of forests and forest environment by fire
Article 206/b - Destruction due to negligence of forests and forest environment by fire
Article 207 - Breach of quarantine for plants and animals

CHAPTER V - CRIMES AGAINST INDEPENDENCE AND CONSTITUTIONAL ORDER
SECTION I - CRIMES AGAINST INDEPENDENCE AND INTEGRITY
Article 208 - The surrendering of territory
Article 209 – The surrendering of the army
Article 210 - Agreement on the surrendering of territory
Article 211 - Provocation of war
Article 212 - Agreement for armed intervention
Article 213 – Disclose of classified information
Article 214 - Providing information
Article 215 - Damaging of defense objects

Article 216 - Providing means for destroying military technique
Article 217 – Receiving of bonuses
Article 218 - Placing oneself in the service of foreign states
SECTION II - CRIMES AGAINST CONSTITUTIONAL ORDER
Article 219 - Assassination
Article 220 - Conspiracy
Article 221 - Rioting
Article 222 - Calls to take up arms or take the command unlawfully
Article 223 - Public calls for violence
Article 224 - Founding unconstitutional parties or associations
Article 225 – Distribution of unconstitutional writings

CHAPTER VI-CRIMES ENCROACHING RELATIONS WITH OTHER STATES
Article 226 - Violent Acts against Internationally Protected Persons
Article 227 - Insulting representatives of foreign countries
Article 228 - Violent acts against working -places of International Protected Persons
Article 229 - Insulting acts against the anthem and flag

CHAPTER VII – ACTS OF TERRORIST INTENTION
Article 230 – Acts of terrorist intention
Article 230/a - Financing of terrorism
Article 230/b - Concealing of funds and other property that finance terrorism
Article 230/c – Disclosure of information by persons who perform public functions or persons exercising a duty or profession
Article 230/ç - Performance of services and actions with declared persons
Article 230/d – Collection of funds for financing of terrorism
Article 231 – Recruitment of persons for committing acts with terrorist intentions or financing of terrorism
Article 232 – Training to commit acts of terrorist intentions
Article 232/a – Incitement, public calls and propaganda for committing acts with terrorist intentions
Article 232/b – Threating to commit crimes of terrorist intentions
Article 233 - Creating armed crowds
Article 234 – Manufacturing military weapons
Article 234/a - Terrorist organizations
Article 234/b - Armed gangs

CHAPTER VIII - CRIMES AGAINST THE STATE AUTHORITY
SECTION I - CRIMINAL ACTS AGAINST STATE ACTIVITY COMMITTED BY [ALBANIAN] CITIZENS

Article 235 - Opposing the public official that carries out a state duty or provides a public service
Article 236 - Opposing the official of the public order police
Article 237 - Assault because of duty
Article 238 – Intimidation because of duty
Article 239 - Insulting because of duty
Article 240 – Defamation because of duty
Article 241 - Defamation towards the President of the Republic
Article 242 - Disobeying orders of the public order police employee
Article 243 - Assaulting family members of a person exercising a state duty
Article 244 - Active corruption of persons exercising public functions
Article 244/a Active Corruption of Foreign Public Officials
Article245-Active corruption of the high state official and of the local elected/representatives
Article 245/1 - Exercising unlawful influence on public officials
Article 245/2 - The exemption from suffering the sentence
Article 246 - Appropriating a public title or office
Article 246/a Practicing the Profession of the Accounting Expert Profession and Auditing Company without Being Registered

Article 247 - Wearing a uniform unlawfully
SECTION II - CRIMINAL ACTS AGAINST THE ACTIVITY OF THE STATE COMMITTED BY STATE OR PUBLIC OFFICIALS
Article 248 - Abuse of office
Article 248/a- Granting Pensions or Other Income from Social Insurance Contrary to the Law
Article 249 – Performing a function after its termination
Article 250 - Committing arbitrary acts
Article 251 - Failure to take measures to sever illegality
Article 252 - Detention in custody in absence of a decision
Article 253 - Violating equality of the citizens
Article 254 - Infringing the inviolability of residence
Article 255 – Obstruction and violation of the secrecy of correspondence
Article 256 – Abuse of contributions given by the state
Article 257 - Illegal benefit of interests
Article 257/a - Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or any other person that is legally binding for the declaration
Article 258 - Breaching the equality of participants in public bids or auctions
Article 259 - Passive corruption by ~~public officials.~~ persons that exercise public functions
Article 259/a Passive Corruption of Foreign Public Officials
Article 260 - Passive corruption by High State Officials or local elected officials
SECTION III - CRIMINAL ACTS AGAINST PUBLIC ORDER AND SECURITY

Article 261 - Impeding the exercise of the right of expression, assembling or protest
Article 262 - Organizing or participating in illegal manifestations
Article 263 – Organization of unlawful gatherings and manifestations with the participation by armed people
Article 264 - Obligation to participate or not-to participate in a strike
Article 265 – Incitement of hatred or disputes
Article 265/a - Involvement in military operations in a foreign state
Article 265/b - Organising the involvement in military operations in a foreign state
Article 265/c - Call for involvement in violent military operations in a foreign state
Article 266 - Calls for national hatred
Article 267 – Dissemination of false information to cause panic
Article 268 – Humiliation of the Republic and its symbols
Article 269 - Obstruction by use of force of the activity of political parties
Article 270 - Prisoner's rebellion
Article 271 – Disinformation of emergency units
Article 272 – Providing false information to police
Article 273 - Leaving the scene of an accident
Article 274 - Disturbing public peace
Article 275 - Malevolence use of phone calls
Article 276 - Unlawful use of the Red Cross emblem
Article 277 – Vigilantism
Article 278 - Manufacture and illegal possession of firearms and ammunition
Article 278/a - Trafficking of weapons and ammunition
Article 279 - Illegal manufacturing, possession, purchase or sale of cold weapons
Article 280 - Illegal manufacture, possession of hunting and sporting rifles
Article 281 - Breach of rules on poisonous substances
Article 282 - Breach of rules on explosive, flammable or radioactive substances
Article 282/a - Trafficking of explosive, flammable, poisonous and radioactive substances
Article 282/b – Training on unlawful manufacturing and use of weapons and other dangerous substances
Article 283 – Production and sale of narcotics
Article 283/a - Trafficking of narcotics
Article 283/b – Facilitation of drugs intake and use
Article 284 – Cultivation of narcotic plants
Article 284/a - Organizing and leading criminal organizations
Article 284/b - Supporting the disclosure of crimes
Article 284/c – Production and manufacturing of narcotic and psychotropic substances
Article 284/ç - Production, trade and illegal use of precursors
Article 285 - Keeping, producing and transporting chemical substances
Article 285/a – Adjusting of premises for drugs use
Article 285/b - Throwing way or getting rid of syringes

Article 286 - Inducing the use of drugs
Article 286/a - Illegal use of high technology
Article 287 - Laundering the Proceeds of Criminal Offence or Criminal Activity
Article 287/a - Opening of the anonymous accounts
Article 287/b – Appropriation of Money or Goods Resulting from Criminal Offence or Criminal Activity
Article 288 - Producing and selling food and other substances dangerous to the health
Article 288/a - Illegal production of industrial and food items/commodities
Article 289 - Breach of safety rules at work
Article 290 - Violation of road traffic regulations
Article 291 – ~~Illegal driving~~ Driving vehicles inappropriately
Article 292 – Violation of working standards in transportation
Article 293 – Obstructing the movement of transport vehicles
Article 293/a - Unlawful wiring of computer data
Article 293/b - Interference in computer data
Article 293/c - Interference in computer systems
Article 293/ç - Misuse of equipment
Article 293/d - Unauthorised sale of SIM cards
SECTION IV - CRIMINAL ACTS AGAINST STATE SECRETS AND STATE BORDERS
Article 294 - Disclosure of state secrets by a person entrusted with the information
Article 295 - Disclosure of state secrets by citizens
Article 295/a – Disclosure of secret documents or data
Article 295/b- Illicit Use of Trade Data
Article 296 - Loss of secret documents
Article 297 - Illegal crossing of the state borders
Article 298 - Assistance for Illegal Crossing of the Borders
Article 299 - Breach of flight rules

CHAPTER IX - CRIMINAL ACTS AGAINST JUSTICE
Article 300 - Failure to report a crime
Article 301 - Obstruction of justice
Article 302 - Supporting the Perpetrator
Article 303 - Hiding or disposing of a corpse
Article 304 - Obligation to report the evidence
Article 305 - False reporting
Article 305/a – False declarations before the prosecutor
Article 305/b – False declarations before the judicial police officer
Article 306 - Perjury
Article 307 - Refusing to testify
Article 308 - False translation

Article 309 - False expertise
Article 310 - Failure to appear as a witness, expert or translator
Article 311 - Intimidation not to report
Article 312 - Active corruption of the witness, expert or interpreter
Article 312/a - Intimidation to issue false statements, testimonies, expertise or interpretation
Article 313 - Unlawful commencement of prosecution
Article 313/a - Disappearance or loss of files
Article 313/b - Prohibition on providing and publishing data contrary to the law
Article 314 - Use of violence during investigation
Article 315 - Unfair sentencing
Article 316 - Opposing and assaulting a judge
Article 317 - Threat to a judge
Article 318 - Insulting a judge
Article 319 - Active corruption of the judge, prosecutor and of other justice official
Article 319/a – Active Corruption of a Judge or Official of International Court
Article 319/b – Active Corruption of a Domestic and Foreign Arbitrator
Article 319/c – Active Corruption of Members of the Foreign Court Juries
Article 319/ç- Passive corruption of the judges, prosecutor and of other Justice official
Article 319/d – Passive Corruption of a Judge or Official of International Courts
Article 319/dh – Passive Corruption of a Domestic and Foreign Arbitrator
Article 319/e – Passive Corruption of Members of the Foreign Court Juries
Article 320 - Preventing the enforcement of court decisions
Article 320/a - The failure to execute the court decision without grounded reasons
Article 321 - Acts contrary to the decisions of the court
Article 322 - Destruction of seals and signs
Article 323 - Escape of the prisoner from the place of detention
Article 324 - Assisting a prisoner to escape

CHAPTER X - CRIMINAL ACTS AFFECTING FREE ELECTIONS AND THE DEMOCRATIC SYSTEM OF ELECTIONS

Article 325 - Obstructing Electoral Subjects
Article 326 – Falsification of election material and election results
Article 326/a - Intentional Damaging of Electoral Material
Article 327 - Violating voting secrecy
Article 327/a – Voting more than once or without being identified
Article 328 – Making payments and promises
Article 328/a Forcing Participation in Political Activities
Article 329 - Intimidation or Abuse against Participants in Election
Article 330 - Obstructing Voters
Article 330/a –Abandonment of Duty by Election Commission Member
Article 331 - Violation of voting rights

Article 332 - Abuse of military authority

CHAPTER XI - CRIMINAL ACTS COMMITTED BY AN ARMED GANG OR CRIMINAL ORGANIZATION

Article 333 - Criminal organizations

Article 333/a - The structured criminal group

Article 334 - Commission of criminal offences by the criminal organizations and structured criminal groups

Article 334/1 – No title

Article 335 – No Title

LAW

No. 7895, dated 27.1.1995

CRIMINAL CODE OF THE REPUBLIC OF ALBANIA

In reliance on Article 16 of the Law no 7491, dated 29/04/1991 "On the main constitutional provisions", upon the proposal of the Council of Ministers

ASSEMBLY

OF THE REPUBLIC OF ALBANIA

DECIDED:

GENERAL PART

CHAPTER I
CRIMINAL LAW AND ITS APPLICATION

Article 1
Criminal Law and classification of criminal acts

Criminal law defines the criminal offences, sentencing and other measures taken against the perpetrators.

Criminal offences are classified into crimes and contraventions. The distinction between them is always drawn in the provisions of the Special Part of the present Code.

Article 1/a
Basics of the criminal legislation

(added up by the law no 8733, 24/01/2001, Article 1)

The Criminal Code is based on the Constitution of the Republic of Albania, general principles of the international criminal law, and international treaties ratified by the Albanian state.

The criminal legislation is composed of this Code and other laws providing for criminal offences.

Article 1/b
Tasks of the criminal legislation

(added up by the law no 8733, 24/01/2001, Article 1)

The criminal legislation of the Republic of Albania is in charge of protecting the state's dependence and the entirety of its territory, human's dignity, human rights and freedoms, constitutional order, property, environment, Albanians' cohabitation

and well-understanding of Albanians with national minorities, and religious co-habitation against the criminal offences, as well as of the latters' prevention.

Article 1/c
Principles of the Criminal Code
(added up by the law no 8733, 24/01/2001, Article 1,
Phrases added up by the law no. 144, dated 02/05/2013, Article 1)

The Criminal Code is based on the constitutional principles of rule of law, equality under the law, fairness in determining the guilt and sentence, protecting the highest interest of children, and the humanism.

The implementation of the criminal law by analogy shall not be allowed.

Article 2
No penalty without a law

No one shall be criminally punished for an offence, which is not already explicitly provided for by law as a crime or a criminal contravention.

No one shall be sentenced to a type and extent of penalty that is not provided for by law.

Article 3
Operation of the criminal law in time

No one shall be sentenced for an offence, which, according to the law at the time it was committed, did not constitute a criminal offence.

A new law not incriminating an offence has retroactive effect. If the person has been sentenced, the enforcement of the sentence shall not commence and, if it has commenced, it shall cease.

If the law in force at the time when the criminal offence was committed and the subsequent law are different, the law, the provisions of which are more favorable to the person having committed the criminal offence, shall apply.

Article 4
Ignorance of law

Ignorance of the law that punishes a criminal offence does not constitute a cause for exclusion from criminal liability, unless the ignorance is objectively unavoidable.

Article 5
Territory of the Republic of Albania

The territory of the Republic of Albania shall, in the sense of criminal law, be the land space, the width of the territorial and internal maritime waters, the air space extending over the land space and over the territorial and internal maritime waters space, as well as over any other place under the sovereignty of the Albanian State,

such as the seats of the Albanian diplomatic and consular missions, the ships flying the flag of the Republic of Albania, the ships belonging to the military navy and civil and military aviation wherever they are.

Article 6
Application of the criminal law to criminal offences committed by Albanian citizens

(Amended by law no. 23, dated 01/03/2012)

Concerning criminal offences committed by Albanian citizens within the territory of the Republic of Albania, the criminal law of the Republic of Albania shall apply.

The criminal law of the Republic of Albania shall also be applicable to the Albanian citizen committing a crime within the territory of another country, as long as that crime is concurrently punishable, unless a foreign court has rendered a final decision. The condition of concurrent punishment in the territory of the other state shall not apply in the cases of corruption-related crimes in public or private sectors and illicit trading in influence.

In the sense of this Article, the Albanian citizens shall also be considered those persons holding another citizenship apart from the Albanian.

Article 7
The applicable law on criminal offences committed by foreign citizens

(amended letter "d" by law no 8733, dated 24.1.2001, Article 2;
added letter "h" by law no 9086, dated 19.6.2003, Article 1;
added letter "i" by law no 9275, dated 16.9.2004, Article 1;
amended letter "c" by law no 9686, dated 26.2.2007, Article 1;
added letter "j" by law no 10 023, dated 27.11.2008, Article 1;
deleted letter "e" and amended letter "h" and "i"
by law no.23/2012, dated 1.3.2012, Article 2)

The foreign citizen, committing a criminal offence within the territory of the Republic of Albania, shall be held liable under the criminal law of the Republic of Albania.

The criminal law of the Republic of Albania shall also be applicable to a foreign citizen committing one of the following crimes against the interests of the Albanian State or citizen outside the territory of the Republic of Albania:

a) crimes against humanity;

b) crimes against the independence and constitutional order;

c) crimes with terrorist purposes;

d) organization of prostitution, illegal trafficking of human beings, children and women, illegal manufacturing and trafficking weapons, drugs, other narcotic and psychotropic substances, nuclear substances, pornographic materials, and illegal traffic of art works, and things of historic, cultural, and archaeological value;

f) counterfeiting the Albanian state seal, Albanian currency, or Albanian securities;

g) crimes affecting the life or health of Albanian citizens, whereof the law provides for a punishment by imprisonment of five years or any other more severe punishment;

h) laundering the proceeds of a criminal offence or criminal activity;".

i) corruption-related crimes in public or private sectors, and illicit trading in influence;

j) criminal offences in the area of information technology.

Article 7/a
Universal jurisdiction

(Added up by law no 9686, dated 26/02/2007, Article 2;
Added letter 'dh' by the law no 23, dated 01/03/2012, Article 3)

The criminal law of the Republic of Albania is also applicable to the foreign citizen, being in the territory of the Republic of Albania and not being extradited, and having committed one of the following offences outside of the territory of the Republic of Albania:

a) crimes against humanity;
b) war crimes;
c) genocide;
ç) offences for terrorist purposes;
d) torture;
dh) financing of terrorism

The criminal law of the Republic of Albania is also applicable to the foreign citizen committing one of the criminal offenses outside of the territory of the Republic of Albania, for which specific laws or international agreements, where Republic of Albania is a party, provide for the applicability of Albanian criminal law.

Article 8
Applicable law on criminal offences committed by a stateless person

(Added up by law no 9686, dated 26/02/2007, Article 3
)

In connection with a stateless person committing a criminal offence within the territory of the Republic of Albania or a crime abroad, the provisions of Articles 7 and 7/a of this Code shall apply.

Article 9
Internationally Protected Persons

(Added up by the law no 23, dated 01/03/2012, Article 4)

The provisions of this Code shall also apply to criminal offences committed against internationally protected persons.

An internationally protected person shall, unless international agreements ratified by the Albanian state provide for otherwise, include:

a) the head of a state, including a member of the collegial body performing the functions of the head of state, under the constitution of that state, the head of the government or the minister for foreign affairs, where the latter are in another state, and the family members accompanying them;

b) a representative or official of a state, or an official or agent of an international organisation having an intergovernmental character, who, at the time and venue of the commission of the offence against him, his office, private residence or means of transport, enjoys, in accordance with the international law, special protection against any assault on his person, freedom and dignity, as well as on the members of his family.

Article 9/a
Liability of foreign persons enjoying immunity
(Amended by law no.23/2012)

The issues of liability of a foreign citizen committing a criminal offence within the territory of the Republic of Albania and enjoying immunity under the international law shall be resolved through diplomatic channels.

Article 10
Validity of criminal decisions of foreign courts

The criminal decisions entered by foreign courts against the Albanian citizens establishing the commission of a criminal offence shall, unless provided for differently by bilateral or multilateral agreements, be valid in Albania within the scope of the Albanian law, even with regard to the following:

a) to the effect of qualifying the person having committed the criminal offence as recidivist;

b) for enforcing the decisions containing ancillary sanctions;

c) for implementing security measures;

d) for the recovery of damages or other civil law effects.

Article 11
Extradition

Extradition may be granted only when explicitly provided for by international agreements where the Republic of Albania is a party.

Extradition shall be granted when Albanian law and foreign law concurrently provide for the criminal offence, constituting the subject matter of the extradition request.

Extradition shall not be granted:

a) if the person to be extradited is an Albanian citizen, unless otherwise provided for by the agreement;

b) if the criminal offence constituting the subject matter of the extradition request is of a political or military nature;

c) when there is reasonable ground to believe that the person requested to be extradited will be persecuted, punished or wanted because of his political, religious, national, racial or ethnic beliefs;

d) if the person requested to be extradited has been tried by a competent Albanian court for the criminal offence whereof extradition is requested.

CHAPTER II
CRIMINAL LIABILITY

Article 12
Age for criminal liability

A person shall be held criminally liable if, at the time of committing the crime, he has reached the age of fourteen.

A person committing a criminal contravention shall be held liable if he has reached the age of sixteen.

Article 13
Causal connection

No one shall be held criminally liable if there is no causal connection between his action or omission and the actual consequences or probability of their emergence.

Article 14
Guilt

No one shall be sentenced for an action or omission that is provided for by law as a criminal offence, as long as the offence has not been committed due to his guilt.

A person shall be guilty if he commits the criminal offence intentionally or negligently.

Article 15
Intention

A criminal offence is committed intentionally when the person foresees the consequences of the criminal offence and wishes their occurrence or, although he foresees and does not wish them, consciously allows them to occur.

Article 16
Negligence

A criminal offence is committed negligently when the person, although he does not wish the consequences, foresees the probability of their occurrence and recklessly hopes to avoid them, or does not foresee them, but referring to the circumstances, he should and could have foreseen them.

Article 17

Mental incapacity

No one shall be held criminally liable who at the time of committing the offence suffered from psychic or neuropsychiatric disorders ruining his mental balance entirely and, consequently, was unable either to control his actions or omissions, or to be aware of committing a criminal offence.

A person, at the time of committing the criminal offence, suffering from psychic or neuropsychiatric disorders, having lowered his mental capacity to be aware and fully control his actions or omissions, shall be liable, however, this circumstance shall be considered by the court in determining the extent and the kind of punishment.

Article 18
Criminal offence committed while drunk

A person shall not be excluded from criminal liability if he commits the offence while drunk.

Where inebriation was caused due to accidental circumstances and it has lowered the mental capacity, this circumstance shall be taken into account for mitigating the sentence.

Where inebriation was caused with intent to commit a criminal offence, this circumstance shall be taken into account for aggravating the sentence.

The above-mentioned rules are also applied when the criminal offence is committed under the effect of narcotics or other substances.

Article 19
Self-defense

No one shall be held criminally liable having committed the criminal offence while being obliged to defend his own or another's life, health, rights and interests against an unfair, real and imminent attack, provided that the defense is proportionate to the danger posed by the attack.

The obvious disproportion between them amounts to exceeding the limits of self-defense.

Article 20
Extreme necessity

No one shall be held criminally liable having committed the criminal offence due to the necessity to confront a real and imminent danger threatening him, another person or the property against a serious damage, not avoidable by other means, provided that it has not been instigated by him and the damage incurred is greater than the damage avoided.

Article 21
Exercising a right or fulfilling the duty

No one shall be held criminally liable while acting to exercise rights or fulfill duties determined by law or an order issued by a competent authority, unless the order is obviously unlawful.

Where the criminal offence was committed as a consequence of an unlawful order, then the person issuing the order shall be held liable.

CHAPTER III
ATTEMPT

Article 22
Meaning of attempt

A criminal offence is deemed to remain an attempt where, although the person undertakes straightforward actions to commit it, it is hindered and not completed due to circumstances independent of his will.

Article 23
Liability for the attempt

The person attempting to commit a crime shall be held liable for it.

The court shall, depending on the degree of imminence of the consequence, as well as on the causes due to which the crime remained an attempt, mitigate the sentence, and may lower it below the minimum provided for by law, or may determine a more lenient sentence than the one provided for by law.

Article 24
Relinquishing committing a criminal offence

No one shall be held criminally liable who, on his own will and conclusively, relinquishes to commit a criminal offence, despite the opportunity to commit it.

Where the actions performed so far contain elements of another criminal offence, the person shall be held liable for the offence committed.

CHAPTER IV
COMPLICITY OF PERSONS IN COMMITTING CRIMINAL OFFENCES

Article 25
Meaning of complicity

Complicity shall be the commission of the criminal offence by two or more persons in agreement with each other.

Article 26
Accomplices

The accomplices in committing a criminal offence shall be: the organizers, executors, instigators, and helpers.

Organizers are those persons who organize and manage the activity to commit the criminal offence.

Executors are those persons who carry out direct actions to carry out the criminal offence.

Instigators are those persons who instigate the other accomplices to commit a criminal offence.

Helpers are those persons who, through advice, instructions, provision of means, abolition of obstacles, promises to hide the accomplices, traces or proceeds stemming from the criminal offence, help to carry it out.

Article 27
Liability of accomplices

Organizers, instigators, and helpers shall be liable same as the executors for the criminal offence committed by them.

In determining the sentence for the collaborators, the court should consider the extent of participation and the role assumed in committing the criminal offence.

Article 28
Special forms of collaboration

1. The criminal organization is the highest form of cooperation that is composed of three or more persons being distinguished by the specific level of organization, structure, stability, duration, as well as by the purpose of committing one or more criminal offences to gain material or non material benefits.

2. The terrorist organization is a specific form of the criminal organization, composed of two or more persons that have a steady collaboration extended over time, with the purpose of committing offences with terrorist purposes.

3. The armed gang is a specific form of cooperation that, by possessing military weapons and ammunition and other necessary means, aims at the commission of criminal offences provided for in Chapter V, VI and VII of the Special Part of this Code.

4. The structured criminal group is a special form of cooperation, composed of three or more persons, which have the purpose of committing one or more criminal offences, and which aim at achieving material and non-material benefits.

The structured criminal group for the commission of a criminal offence is not established spontaneously and it is not necessary to distinguish it for consistent membership, assignment of duties, elaborated structure and organization.

5. The creation and participation in a criminal organization, terrorist organization, armed gang, or structured criminal group constitute criminal offences and are punished according to the provisions of the special part of this Code or other special criminal provisions.

6. Members of the criminal organization, terrorist organization, armed gang, or structured criminal group are liable for all the criminal offences committed by them in fulfilling the aims of their criminal activity.

7. The member of the criminal organization, terrorist organization, armed gang, or structured criminal group benefits exemption from sentencing or a reduction of the sentence, as long as he makes a contribution that is deemed as decisive for obtaining information on their activity, other accomplices, on properties possessed directly or not directly by them, as well as on the investigative activities, conducted on the criminal organizations, terrorist organizations, armed gangs and structured criminal groups.

CHAPTER V
PUNISHMENTS

Article 29
Principal punishments

(Amended by law no 8733, dated 24/01/2001, Article 79;

Last paragraph added up by law no 9086, dated 19/06/2003, Article 2; last paragraph repealed by Decision of the Constitutional Court no 47, dated 26/07/2012)

The following principal punishments shall apply to persons having committed crimes:

1. Life imprisonment;
2. Imprisonment;
3. Fine.

The following principal punishments shall apply to persons having committed criminal contraventions:

1. Imprisonment;
2. Fine.

Article 30
Ancillary punishments

(Point 2 amended by law no 9086, dated 19/06/2003, Article 3;
Point 1 amended by law no 9275, dated 16/09/2004, Article 3;
(Point 10 added up by law no.23, dated 01/03/2012, Article 6)

Besides the principal punishment, a person having committed crimes or criminal contraventions may also be subject to one or some of the following ancillary punishments:

1. Banning the right to exercise public functions;
2. Confiscation of instruments committing the criminal offence and criminal offence proceeds;
3. Prohibition to drive;
4. Deprivation of decorations, honorary titles;
5. Deprivation of the right to practice a profession or craft;
6. Deprivation of the right to assume leading positions at legal entities;
7. Prohibition of the right to stay in one or some administrative units;
8. Expulsion from the territory;
9. Compulsion to make public the court sentence;

10. Loss of Parental Responsibility.

In particular cases, when the imposition of principal punishment is deemed to be inappropriate and where the law provides for imprisonment up to three years or other more lenient punishments for the committed offence, the court may decide to apply only the ancillary punishment.

Article 31
Life imprisonment

(Paragraph I, II and the title amended by Law no 8733, dated 24/01/2001, Article 79, last paragraph repealed by the law no 9686, dated 26/02/2007, Article 5)

The punishment to life imprisonment shall be entered upon the court decision in connection with the commission of a serious crime.

Life imprisonment shall not be applied to persons being at the time of committing the crime younger than eighteen years old, or to women.

Article 32
Punishment to imprisonment

(First paragraph amended by law no.144, dated 02/05/2013, Article 2)

The imprisonment sentence for crimes shall be imposed for a period ranging from five days to thirty-five years.

The imprisonment sentences for criminal contraventions shall be imposed for a period ranging from five days to two years.

Article 33
Way of serving life imprisonment and imprisonment

Life imprisonment and imprisonment are served at special institutions set up specifically for this purpose.

The rules concerning the way of serving the sentences and the prisoner's rights and duties are defined by law.

Juveniles shall serve imprisonment sentences in locations separated from adults.

Women serve imprisonment sentences in locations separated from men.

Article 34
Punishment to fine

(Paragraph III and IV amended, paragraph V added up, paragraph VII amended by law no 8733, dated 24.1.2001, Article 3; paragraph amended IV by law no 9275, dated 16.9.2004, Article 4; paragraph 8 repealed by the decision of the constitutional Court no 19, dated 1.6.2011; amended by law no 23/2012, dated 1.3.2012, Article 8; fifth paragraph amended by law no 144, dated 2.5.2013, Article 3)

The punishment to a fine consists in paying an amount of money to the benefit of the state within the range provided for by law.

The punishment to a fine shall be imposed on persons committing crimes or criminal contraventions.

Persons committing crimes shall be subject to a fine ranging from 100 000 up to ten million ALL.

Persons committing criminal contraventions shall be subject to a fine ranging from 50 000 up to three million ALL.

For the persons committing crimes with the motive of obtaining assets or any other material benefit, the Court shall, pursuant to Article 36 of this Code, decide to confiscate the instruments of the commission of the criminal offence and the proceeds of the criminal offence or, in their absence, a punishment to a fine ranging from 100 000 up to five million ALL.

The court shall impose the sentence to a fine, after having investigated about the solvency of a person. The solvency shall be determined based on a person's personal and property situation, and other circumstances related thereto. The fine must be paid within the deadline set out in the court decision.

The court may, taking into account the economic situation of the defendant, allow him to pay his fine by installments, setting out the instalment amounts and the payment deadlines.

If a convicted person fails to pay a fine, and that fine cannot be collected through compulsory execution, the court shall decide to replace the fine with imprisonment, where five thousand ALLs shall be equal to one day of imprisonment.

Where a convicted person fails to pay the fine in due time for no fault of his and if the criteria on which the fine was determined have changed after the decision was issued, and do not obviously justify payment of the fine, the convicted person may request:

a) postponement of the deadline for the payment of the fine for a period of up to six months;
b) performance of work in public interest.

If the court orders performance of work in public interest, the rules of Article 63 of this Code shall apply.

If the fine is not paid even after the postponement, or if the convicted person fails to perform work in public interest, the court shall decide to replace the fine with imprisonment.

When the fine is not paid in due time, the court decides on replacing the fine with imprisonment, calculating 5 000 ALL per one day of imprisonment.

When the fine is imposed for a crime committed, its replacement with imprisonment cannot exceed three years, whereas when is imposed for a criminal contravention, the replacement cannot exceed one year of imprisonment, but always without exceeding the maximum of imprisonment provided for by the relevant provision. If no imprisonment is provided for by the criminal provision, the maximum prison sentence shall be considered six months.

When the person convicted, as above, pays off his fine during the imprisonment term, the court revokes the sentence and makes the calculations under the criteria of paragraph 8 of this Article.

Article 35
Deprivation of the right to assume public functions

The deprivation of the right to assume public functions for a period of no less than five years is obligatorily imposed on a person, who has committed an office-related crime by abusing with his public function, or has committed a crime, which the courts punishes with an imprisonment sentence of no less than ten years.

The deprivation of the right to assume public functions can be applied for a period from three to five years, if the court has entered a sentence of five to ten years of imprisonment, and from one to three years, when the sentence imposed is up to three years of imprisonment.

Article 36
Confiscation of instruments for committing the criminal offence and criminal offence proceeds

(Amended by the law no 9086, dated 19/06/2003, Article 4)

1. Confiscation is mandatorily imposed by the court and pertains to obtaining and transferring to the benefit of the state:

a) assets that have been used or specified as instruments for committing the criminal offence;

b) the criminal offence proceeds, including any kind of assets, as well as legal documents or instruments establishing other titles or interests in the assets stemming from or obtained directly or indirectly from the commission of the criminal offence;

c) the promised or given remuneration for committing the criminal offence;

ç) any other assets, the value of which corresponds to the criminal offence proceeds;

d) the assets, the production, use, possession or alienation of which consist a criminal offence, even if no conviction decision was entered.

2. If the criminal offence proceeds have been transformed or partly or fully converted into other assets, the latter shall be subject to confiscation;

3. If criminal offence proceeds are merged with assets gained legally, the latter shall be confiscated up to the value of the criminal offence proceeds;

4. Subject to confiscation shall also be other income or proceeds out of the criminal offence, out of assets that criminal offence proceeds have been transformed or altered to, or out of assets with which these proceeds have been merged, to the same amount and manner as the criminal offence proceeds.

Article 37
Ban on driving

Ban on driving is imposed by the court for a period within the range of one to five years on persons who have committed a criminal offence, when it is deemed that it will have a preventive effect or it matches the nature of the offence committed.

Article 38
Revocation of decorations and titles

The revocation of decorations and honorary titles shall be imposed by the court on persons having committed a criminal offence punishable by imprisonment and it is deemed that maintaining them does not comply with the nature of the criminal offence committed.

The revocation of decorations and honorary titles shall be permanent if the person is sentenced for a crime for more than ten years of imprisonment, and from one to five years, if he is sentenced up to ten years of imprisonment.

Article 39
Deprivation of the right to practice a profession or activity

(Amended by law no.144, dated 02/05/2013)

The deprivation of the right to practice a profession or activity shall prevent the detainee from practicing the profession or activity for which a special permit, certificate, authorisation or licence has been issued by the competent body.

Deprivation of the right to practice an activity or profession shall be imposed from one month to five years and is a result of any sentence for criminal offences committed by abusing them, or when it is estimated that the further practicing of the activity or profession goes against the legal relation which the respective provision of the criminal offence aims to protect.

Article 40
Deprivation of the right to hold leading positions

(Last paragraph added by law no 9275, dated 16/09/2004, Article 6)

Deprivation of the right to hold leading positions within the legal entities deprives the convict of the right to assume the duty of the director, administrator, entrepreneur, liquidator, or any other duty relevant to the capacity of the representative of a legal person.

Deprivation of the right to hold leading positions within the legal entity is a result of any punishment for criminal offences and it is imposed for a period of time ranging from one month to five years, as long as the convict has abused his functions or has acted in violation of the rules and regulations related to his duty.

When the sentence imposed by the court is no less than five year imprisonment, this right could be removed for a period of five to ten years.

Article 41
Prohibition to stay in one or more administrative units

The prohibition to stay in one or more administrative units is imposed by the court for a period of time from one to five years, as long as it is deemed that the stay of the convict in those locations constitutes a danger for the public safety.

Article 42
Expulsion from the territory

Expulsion from the territory of the Republic of Albania is imposed by the court on a foreign or stateless citizen having committed a crime and it is deemed that his further stay in the territory of the Republic of Albania should no longer continue.

The court shall revoke the decision upon the request of the convict, if the foreign or stateless citizen obtains Albanian citizenship.

Article 43
Publication of court decision

The publication of the decision shall be ruled by the court sentence when it deems that the announcement of the decision content is of interest to legal and physical persons.

The publication of the court sentence consists in compelling the convict to publish the court decision, at his own expenses, in one or some newspapers or RTV stations, in its entirety or partially, according to the ruling of the court.
The court decides the publication date and duration.

The press and mass media are obliged to publish the court decision sent by the court.

The publication of court decision shall not be granted as long as it endangers the divulgence of a state secret, the violation of the privacy of people or sanctity of public moral.

Article 43/a
Revocation of Parental Responsibility
(Added by law no.23, dated 01/03/2012, Article 7)

Revocation of parental responsibility shall be ruled by a court against a person assuming parental responsibility when that person has been sentenced as perpetrator or accomplice in a criminal offence against the child, or as an accomplice with the child in the commission of a criminal offence.

Article 44
Way of serving ancillary punishments

If the court, in addition to the imprisonment punishment, imposes one or more ancillary punishments provided for in Article 30 of this Code, their implementation commences simultaneously with the main punishment.

As for the numbers 1, 3, 5, 6, 7 and 8 of Article 30 of this Code, their implementation commences after the completion of imprisonment. The rights of the

convicted affected by the ancillary punishments shall not be assumed during the period of serving the imprisonment.

Article 45
The Application of the criminal law on legal persons/entities

(Repealed by law no 8733, dated 21/01/2001, Article 4;
Added up by law no 9275, dated 16/09/2004, Article 7)

The legal entities shall, with the exception of the state institutions, be held criminally responsible for criminal offences committed on their behalf or to their benefit by their bodies or representatives.

The local government units shall be held criminally responsible only for the actions performed during the exercise of their activity that may be exercised by delegating public services.

The criminal liability of the legal entities does not exclude that of the natural persons having committed criminal offences or being accomplices in the commission for the committal of the same criminal offences.

The criminal offences and the respective punishing measures taken against the legal entities, as well as the procedures for imposing and enforcing these measures are regulated by a special law.

Article 46
Medical and educational measures

The court may impose medical sanctions on mentally incapable persons having committed criminal offences, whereas educational measures may be imposed on minors being excluded from punishment or, because of their age, not being criminally liable.

Medical measures are the following:

1. Compulsory outpatient medical treatment;
2. Compulsory medical treatment in a medical institution;

Educational measure is the following:

1. Placement of a minor in an institution for education.

The decision on medical or educational measures can any time be revoked if the circumstances under which they were imposed cease to exist, but, in any case, the court is obliged to reconsider its decision after one year since the date of the entrance of the court sentence.

The rules relevant to revoking the court sentence, containing the medical and educative measure, are provided for in the Code of Criminal Procedure.

CHAPTER VI
DETERMINATION OF PUNISHMENT

Article 47
Way of determining the punishment

The court determines the punishment in compliance with the provisions of the general part of this code and the margins of punishment on criminal offences provided for by law.

In determining the punishment against a person, the court considers the dangerousness of the criminal offence, its perpetrator, the level of guilt, as well as both mitigating and aggravating circumstances.

Article 48
Mitigating circumstances

(Two paragraphs added up by law no.144, dated 02/05/2013, Article 5)

The following circumstances mitigate the punishment:

a) Where the offence is committed due to motivations of positive moral and social values;

b) Where the offence is committed under the effect of a psychiatric distress caused by provocation or the unfair actions of the victim or some other person;

c) Where the offence is committed under the influence of wrong actions or instructions of a superior;

ç) Where the person who has committed the offence shows deep repentance;

d) Where the person has recovered the damage caused by the criminal offence or has actively helped to eliminate or reduce its consequences;

dh) Where the person surrenders to the competent authorities after committing the criminal offence;

e) Where the relationship between the person having committed the criminal offence and the victim has gone to normal.

The mitigating circumstance envisaged in letter "a" of the first paragraph of this Article shall not mitigate the sentence in the event the criminal offence is committed under the circumstances envisaged in letter "j" of Article 50 of this Code.

The mitigating circumstance envisaged in letter "e" of the first paragraph of this article, shall not mitigate the sentence of a person who commits a criminal offence against children or a criminal offence related to domestic violence.

Article 49

Regardless of the circumstances mentioned in Article 48 of this Code, the court may also consider other circumstances as long as it deems them as such to justify the mitigation of the sentence.

Article 50
Aggravating circumstances

(Amended letter "b", added up letter "h" and "i" by law no 8733, dated 24.1.2001, Article 5; amended letter "dh" by law no 9275, dated 16.9.2004, Article 8; added up letter "j" by law no 9686, dated 26.2.2007, Article 6; added up letter "ç/1" and "e/1" and amended letter "g" and "j" by law no 144, dated 2.5.2013, Article 6)

The following circumstances aggravate the punishment:

a) When the offence committed is based upon futile motives;

b) When the offence is committed for rendering criminally liable or hiding the criminal liability of a third person, or for avoiding the conviction for another criminal offence, or for gaining or providing wealth benefits for oneself or for third parties, or any other material benefit;

c) When the criminal offence is committed savagely and ruthlessly;

ç) When a crime is committed after a conviction was decided for a previously committed crime;

ç/1) commission of a criminal offence after subjecting the person under electronic monitoring;

d) When actions that aggravate or increase the consequences of a criminal offence are committed;

dh) The commission of the criminal offence by abusing the public office or the religious service.

e) When the offence is committed against children, pregnant women, or other people who, due to different reasons, cannot protect themselves;

e/1 commission of a criminal offence during or after the issuing of a court order of protection against domestic violence;

f) When the offence is directed against representatives of other states;

g) When an offence is committed through profiting from family, cohabitation, friendship, hospitality relations;

gj) When the offence is committed in complicity;

h) Committing the criminal offence more than once;

i) When the offence is committed using weapons, military ammunitions, explosives, flammable, poisonous, and radioactive substances;

j) The commission of the offence due to motives related to gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious, or philosophical convictions, health status, genetic predispositions or disability.

Article 51
Imprisonment sentence for minors

For minors, who at the time they committed the criminal offence were under eighteen years old, the imprisonment sentence may not exceed half of the term of punishment provided for by law for the criminal offence committed.

Article 52
Excluding minors from punishment

The court, considering the low dangerousness of the criminal offence, the specific circumstances under which it was committed, and the previous behavior of the minor, may exclude him from punishment.

In this cases, the court may decide to place the minor to an educational institution.

Article 52/a

Exclusion or reduction of the sentence for collaborators of justice and victims

(Added by law no.144, dated 02/05//2013, Article 8)

The person who promises or gives rewards or other benefits, according to articles 164/a, 244, 244/a, 245, 312, 319, 319/a, 319/b, 319/c and 328 of this Code may enjoy exclusion from serving the sentence or a reduction of the sentence, in the event the person files s a criminal denunciation and gives assistance during the criminal proceedings for these offences. When issuing the decision, the court shall also consider the time when the denunciation is filed, and the occurrence, or not, of the consequences of the offence.

The aggrieved party due to criminal offences related to trafficking in human beings may benefit exclusion from the sentence for committing criminal offences during the trafficking period and to the extent the person had been obliged to commit the illegal actions or omissions."

The person having committed one of the criminal offences related to trafficking of narcotics, weapons or ammunition, trafficking in human beings or criminal offences committed by criminal organisations, collaborating and assisting the criminal prosecution authorities in fighting against them, or, where appropriate, in identifying the other persons who commit such crimes, cannot be sentenced for a period of more than half of the sentence foreseen for the offence committed by him. In particular cases, the person may be excluded from such sentence when mitigating circumstances are in his favour.

Article 53
Reduction of sentence under the minimum provided for by law

(Phrase added by law no.144, dated 02/05/2013, Article 8)

In specific cases, when the court deems that both the offence and the perpetrator are of low dangerousness and there are several mitigating circumstances and no aggravating circumstance exist, the court may impose a sentence under the minimum or a more lenient punishment than the one provided for in the respective provision.

Article 53/a

Substitution of an imprisonment sentence to a monetary amount to the benefit of the state

The court may, where explicitly provided for in a provision and upon deeming that the criminal offence and its perpetrator pose a low social risk and where it imposes an imprisonment term not exceeding two years, decide to replace the imprisonment sentence to the payment of a monetary amount to the benefit of the state, calculating one imprisonment day to five thousand ALL.

This substitution may be decided upon being sought by the perpetrator of the criminal offence.

Where the monetary amount set out by the court is not paid within 10 days since the moment that the decision becomes final, the court shall, upon the request of the prosecution office, decide to revoke the decision and substitute it to an imprisonment term.

Article 54
Admitting to pay the fine

Concerns criminal contraventions for which, besides the fine, an imprisonment sentence is also imposed, the court, upon the request of the perpetrator of the criminal contravention, may admit that the latter pays an amount of money to the benefit of the state budget, equal to half of the maximum fine provided for criminal contraventions in the General Part of this Code.

The request may be presented at any stage of the trial proceeding before the rendering of the final decision of first instance.

When the court rejects such a request, it shall impose the sentence for the offence committed.

The request shall not be admitted for persons previously convicted also for criminal contraventions.

Article 55
Imposition of sentences for more than one criminal offence

(Added second paragraph by law no.144, dated 02/05/2013, Article 9)

When actions or omissions contain elements of more than one criminal offence, and when the person has committed more than one criminal offence for which no sentence has been rendered, the court first sentences every criminal offence separately, and, in the end, imposes a single sentence, which consists of the most severe and increased sentence.

The most severe and increased sentence in the event a person has committed a deliberate crime against life through the unauthorized use of military weapons and ammunition, is comprised of the total amount of the respective sentences for each of the criminal offences.

The severe and increased sentence may exceed neither the total sum of the punishments determined separately nor the maximum provided for the type of the sentence rendered.

When the court deems that committing more than one crime does not demonstrate serious dangerousness of the culprit, it may impose as a final sentence the most severe punishment provided for one of the criminal offences.

While rendering its final decision, the court shall impose one or more of the ancillary punishments rendered separately for each particular offence.

Article 56
Joinder of sentences

If before serving the full sentence, the convict is sentenced for a criminal offence committed prior to the rendering of the sentence, the rules of the preceding article shall apply and the already served portion of punishment shall be calculated into the new sentence.

When the convict commits a new criminal offence after the rendering of the sentence, but before the full term of the sentence is served, the court joins the new

sentence with the remaining portion of the previous term, following the rules provided for in Article 55 of this Code.

Article 57
Calculation of pretrial detention

(Amended paragraph III by law no 8733, dated 24/01/2001, Article 1)

The pretrial detention period is calculated into the sentence of imprisonment or fine and as well as for performing community work as follows:

One day of pretrial detention equals to one day and a half of imprisonment.

One day of pretrial detention equals to five thousand ALL of fine.

One day of pretrial detention equals to eighteen hours as community work.

CHAPTER VII
ALTERNATIVES TO IMPRISONMENT SENTENCES

Article 58
Open prison

(Amended by law no 10 023, dated 27/11/2008, Article 2)

For sentences up to one year of imprisonment, the court may, due to the obligations of the convict in relation to work, education, qualification or professional training, essential family responsibilities or the need for medical treatment or rehabilitation, decide the execution of the sentence in open prisons.

The convict serving the sentence in open prison is obliged to return to prison, after carrying out responsibilities outside of prison, within the deadline set out by the court.

When the convict does not fulfill the obligations according to this article, Article 62 of this Code shall apply.

Article 59
Suspension of the execution of an imprisonment sentence and placing the convict on probation

(Amended by law no 10 023, dated 27/11/2008, Article 3)

Due to the low dangerousness of the person, his age, health and mental condition, life style, and the needs especially of those related to the family, education or work, the circumstances under which the criminal offence was committed as well as the conduct after the commission of the criminal offence, the court may, while imposing an imprisonment sentence up to five years, order the convict to keep contacts with the probation service and be placed on probation, by suspending the sentence execution, provided that during the probation period, he shall not commit another criminal offence.

The court shall order the convict to fulfill one or more obligations, provided for in the Article 60 of this Code.

The probation period ranges from eighteen months to five years.

If the convict doesn’t keep contact with the probation service or doesn’t fulfill the obligations provided for in the Article 60, as ordered by the court, the latter shall decide the replacement of the first sentence with another sentence, the extension of

surveillance period, within the probationary period, or revocation of the suspension of the decision execution.

Article 59/a
Home confinement

(Added by law no 10 023, dated 27/11/2008, Article 4; Added second paragraph by law no 144, dated 02/05/2013, Article 10)

For up to two years imprisonment sentences or when this timing is the remainder of the sentence, according to a decision pertaining to a longer time of imprisonment, the court may decide for the convict to serve the punishment at home, in another private house or a center of public health care, when the following circumstances exist:

a) for pregnant women or mothers with children of under ten years of age, living with her.
b) for fathers, who have the parental custody over the child of under ten years of age, living with him, when the mother has died or is unable to take care of the child;
c) for persons, in severe health conditions, requiring continuous care from the medical service, outside of the prison;
ç) for persons of age over sixty years old, whose health situation renders them incapable;
d) for young adults, under the age of twenty one, with established medical, study, work or family responsibilities needs.

The court, under the circumstances foreseen in letter "a" and "b" of first paragraph of this Article, cannot decide serving of sentence in home confinement for persons who have committed a criminal offence against their spouse, cohabitant or child.

The court may allow the persons convicted to home confinement to leave their residing place, to fulfill their indispensable family needs, to get involved at work activities, education or rehabilitation programs, which the probation service has agreed upon.

In such case, the court defines the measures that need to be taken by the probation service.

The court shall revoke the home confinement and substitute it with another punishment, when the foreseen conditions provided for in the first paragraph of this article do not exist. If the convict leaves its residence without the authorization of the court or violates obligations assigned in the court decision, Article 62 of the Code shall apply.

Article 60
Obligations of the convict on probation

(Amended by law no 10 023, dated 27/11/2008, Article 3)

The convict placed on probation may be obligated by the court to fulfill one or more of the following obligations**:**

1. To exercise a professional activity or to receive an education or a professional training;
2. To use its wage and other income, or other assets to pay for the family obligation fulfillment;
3. To compensate for the incurred civil damage;
4. To be banned on driving specific vehicles;
5. To not exercise professional activities when the criminal offence is related to such activity;
6. To not visit specific places;
7. To not visit bars serving alcoholic beverages;
8. To remain in his residence during specified hours;
9. To not associate with specific individuals, mainly convicts or accomplices in the criminal offence;
10. To not posses, carry or use weapons;
11. To be medicated or rehabilitated in a medical institution or to be subject to a treatment, medical or rehabilitation program;
12. To stop using alcohol and narcotics.

In imposing the obligations on the convict, the court takes into consideration the age of the convict, his mental condition, life style and needs, especially the ones related with his family, education or work, the motives for committing the criminal offence, his attitude after the commission of the criminal offence, as well as other circumstances that influence imposition of obligations according to this Article and their surveillance.

Article 60/a
Obligation to quit the use of alcohol or drugs
(Amended by law no 10 023, dated 27/11/2008, Article 11)

The court shall impose on a convict placed on probation and being addicted to alcohol or narcotics the obligation to undergo medical treatment to abstain from alcohol or drugs.

The medical treatment to the effect of abstaining from alcohol or drugs shall be taking place in the specialised medical institution, as decided by the Ministry of Health upon request from the Probation Service.

The Probation Service shall survey the execution of the court decision and report immediately to the prosecutor in the event the convict does not fulfil the imposed obligation.

Article 61
The convict's obligations during probation
(Amended by law no 10 023, dated 27/11/2008, Article 6)

During the probation period, the convict shall be obliged:

a. To appear regularly and inform continuously the probation service on the fulfillment of the conditions and obligations defined by the court.

b. To obtain consent from the probation service to relocate his residence, work location or for frequent movement within the country.

Article 62
Violation of the conditions and obligations during the probation period
(Amended by law no 10 023, dated 27/11/2008, Article 7)

If the convict, during the term of probation, commits another criminal offence, the court may change the imposed obligations, replace the sentence rendered with another one or revoke fully or partly the suspension decision.

If the convict, during the probation term, violates the conditions or obligations that were set, the probation services shall report immediately to the prosecutor.

Due to minor violations of conditions and obligation decided by the court, which were committed for the first time, the prosecutor has the right to give a warning, which is registered in the personal file of the convict.

For severe and repeated violations, the prosecutor shall request the court to change the imposed obligation, add up other obligations, replace them with other sanctions or revoke the decision for the suspension of the sentence and get the remainder of the sentence to be served in jail.

Article 63
Suspension of enforcement of imprisonment sentence and compulsion to perform community work
(Amended by law no 10 023, dated 27/11/2008, Article 8)

The court may, due to low dangerousness of the person and circumstances under which the criminal offence was committed and as long as it has imposed a punishment of up to one year, decide to suspend the enforcement of imprisonment sentence and replace it with the obligation for the convict to perform community work.

Community work means the performance of work by the convicted person upon his consent and without reward in the public interest or in the interest of the association set out in the court verdict for a period ranging from forty to two hundred and forty hours.

This obligation may not be imposed if the convict refuses the suspension during the court hearing.

Community work is performed within a six-month term.

The court shall, in its sentence, determine the number of working hours and the obligation for the convict to keep contact with the probation service. The probation service decides on the kind of work which will be performed, the place and the week days when the work will be performed, keeping in mind, to the extent possible, his regular employment or his family obligations. The duration of community work shall not exceed eight hours a day.

Following the completion of the work, the punishment shall be remitted.

If the convict does not perform community work, does not keep contact with the probation service, or violates the conditions or other obligations decided by the court, the prosecutor shall forthwith inform the court. The court shall, in such a case, follow the rules provided for in the Article 62 of this Code.

Article 64
Release on parole

(Amended by law no 8733, dated 24/01/2001, Article 7; Amended by law no 10 023, dated 27/11/2008, Article 9; Words added in the third paragraph of the law no 144, dated 02/05/2013, Article 12)

The convict may be released from serving the sentence earlier on parole only for specific reasons, if his behavior and work demonstrate that, referring to the time served, the purpose of his education has been fulfilled, and he has served:

- no less than half of punishment time imposed for criminal contraventions;
- no less than two third of the punishment given for crimes punishable to imprisonment up to five years;
- no less than three fourth of the punishment for crimes punishable to imprisonment from five to twenty five years.

The time benefited based on an amnesty or pardon shall not be calculated into the served punishment.

It shall not be allowed to release on parole a recidivist for a crime committed with intent as well as a convict due to the commission of criminal offences provided for in Articles 78/a, 79/a, 79/b, 79/c or the third paragraph of Article 100.

Release on parole shall be revoked by the court, when the convict sentenced for an intentionally committed criminal offence, commits another intentional criminal offence during the parole period, applying the provisions on joining the punishments.

Article 65

(Amended paragraph I, II by the law no 10 023, dated 27/11/2008, Article 10)

A convict serving life imprisonment shall not be allowed to be released on parole.

Only under extraordinary circumstances may the convict serving life imprisonment be released on parole, if:

He has served no less than twenty-five years imprisonment and during the period serving his sentence has shown excellent behavior and it is deemed that the educational aim of the sentence has been achieved.

Article 65/a
Security Period

(Added by law no.23, dated 01/03/2012, Article 9)

The court may, when rendering a decision, also decide to impose a security period, during which Article 64 of this Code is not applicable, in cases where one of the following circumstances exists:

a) the criminal offence, the punishment of which is over five years;

b) the criminal offence has been committed in a cruel and brutal manner;

c) the offence has been committed against children, pregnant women or persons who, for various reasons, cannot be protected;

ç) the offence has been committed by taking advantage of family or cohabitation relationships;

d) the commission of the offence has been driven by motives related to gender, race, religion, nationality, language, political, religious or social beliefs.

The security period shall range between three-quarters of the sentence imposed by the court and entire duration of the criminal sentence.

CHAPTER VIII
LAPSE OF CRIMINAL PROSECUTION, PUNISHMENTS AND THEIR NONEXECUTION

Article 66
Statute of limitations for criminal prosecution

Criminal prosecution shall not be conducted if, from the moment the offence was committed until the moment that the person is held defendant, have elapsed:

a) twenty years for crimes which are foreseen to be punished not less than ten years imprisonment or to other more severe punishment;

b) ten years for crimes, which are foreseen to be punished between five and ten years of imprisonment;

c) five years for crimes, which are foreseen to be punished up to five years of imprisonment or fine;

ç) three years for criminal contraventions, which are foreseen to be punished up to two years imprisonment;

d) two years for criminal contraventions, which are foreseen to be punished to fines.

Article 67
Non-applicability of statute of limitations to criminal prosecution

Not subject to the statute of limitation shall be the war crimes and crimes against humanity.

Article 68
Statute of limitations for the execution of the sentence

The sentence shall not be executed if from the day it became final have elapsed:

a) twenty years for sentences containing between fifteen to twenty-five years imprisonment;

b) ten years for sentences containing between five to fifteen years imprisonment;

c) five years for sentences containing up to five years imprisonment or other lower sentences.

Article 69
Rehabilitation

Without criminal record shall be:

a) those who are sentenced to imprisonment for less then six months or with any other lower sentence, who have not committed any other criminal offence for two years since the day of their served sentence;

b) those who are sentenced to imprisonment ranging from six months up to five years and who have not committed other criminal offence for five years since the day of their served sentence;

c) those who are sentenced to imprisonment ranging from five to ten years and who have not committed any other criminal offence for seven years since the day of their served sentence;

ç) those who are sentenced to imprisonment ranging from ten to twenty five years and who have not committed any other criminal offence for ten years since the day of their served sentence.

Article 70
Pardon

The competent authority shall, through the act of pardoning, either exclude the person completely or partially from serving the court sentence or shall substitute the sentence with a more lenient one.

Article 71
Amnesty

The competent authority shall, through the act of amnesty, affect the exclusion from criminal prosecution, from serving the sentence completely or partially, or shall substitute the sentence with a more lenient one.

Amnesty includes all those criminal offences committed up to one day prior to its announcement unless otherwise provided for by the respective act.

Article 72
Applicability of provisions of the General Part

The provisions of the General Part of this Code shall also apply to other criminal offences provided for as such by special laws.

SPECIAL PART

CHAPTER I
CRIMES AGAINST HUMANITY

Article 73
Genocide

(Amended by law no 8733, dated 24/01/2001, Article 79)

The execution of a premeditated plan aiming at the total or partial destruction of a national, ethnic, racial or religious group directed towards its members, and combined with the following offences, such as: intentionally killing group's members, serious physical and psychological harm, placement in difficult living conditions which cause physical destruction, applying birth preventing measures, as well as the obligatory transfer of children from one group to another, is sentenced with no less than ten years, or with life imprisonment.

Article 74
Crimes against humanity

(Amended by law no 8733, dated 24/01/2001, Article 8, amended by law no.144, dated 02/05/2013, Article 13)

Murder, enforced disappearance, extermination, enslaving, internment and expulsion and any other kind of human torture or violence committed according to a concrete premeditated plan or systematically, against a group of the civil population for political, ideological, racial, ethnical and religious motives, shall be punishable to not less than fifteen years of or life imprisonment.

Article 74/a
Computer dissemination of materials favoring genocide or crimes against humanity

(*Added up by law no 10 023, dated 27/11/2008, Article 11)*

Offering in public or deliberately disseminating to the public through computer systems materials that deny, minimize significantly, approve of or justify acts that are genocide or crimes against humanity are punishable to three to six years imprisonment.

Article 75
War crimes

(*Amended by law no 8733, dated 24/01/2001, Article 79)*

Offences committed by different persons at war time, such as murder, maltreatment or deportation for slave labor, as well as any other inhuman exploitation to the detriment of civil population or in occupied territory, the killing or maltreatment of war prisoners, the killing of hostages, destruction of private or public property, destruction of towns, commons or villages, which are not ordained from military necessity, are sentenced with no less than fifteen years, or life imprisonment.

CHAPTER II
CRIMINAL OFFENCES AGAINST THE PERSON

CRIMES AGAINST LIFE

SECTION I
CRIMES AGAINST LIFE COMMITTED INTENTIONALLY

Article 76
Murder with intent

Murder committed with intent shall be punishable to a term of ten to twenty years imprisonment.

Article 77
Murder with intent connected to another crime

(*Amended by law no 8733, dated 24/01/2001, Article 9)*

The offence of murder, preceding, concurring or ensuring another crime, shall be punishable by imprisonment for not less than twenty years.

Article 78
Premeditated murder

(Amended by law no 8733, dated 24/01/2001, Article 10; addendum to second paragraph by law no 9686, dated 26/02/2007, Article 7; amended second paragraph by law no 144, 02/05/2013, Article 14)

Pre-meditated murder is punished to imprisonment from fifteen to twenty five years.

Murder committed for interests or revenge shall be punished to not less than 20 years or life imprisonment.

Article 78/a
Murder due to blood feud

(Added by law no.144, dated 02/05/2013, Article 15)

Murder committed due blood feud shall be punishable to not less than 30 years or life imprisonment.

Article 79
Murder committed under other qualifying circumstances

(Amended by law no 8733, dated 24/01/2001, Article 11; amended letter 'c' by law no 9275, dated 16/09/2004, Article9; added up Articles 79/a, 79/b, 79/c, by law no 144, dated 02/05/2013, Article 16; repealed letter 'c', by law no 144, dated 02/05/2013, Article 48)

Murder committed:

a) against minors;

b) against physical or mental disabled persons, seriously ill or pregnant persons, as long as the situation of the victim is evident or known;

c) ~~against the MP (deputy), judge, prosecutor, layer, policeman, military officer, other public officials, when they are carrying out their duty or because of their~~

~~duty, when the victim's attributes are evident or known;~~ *(Abrogated by law no.144/2013)*

ç) against the denouncer, witnesses, impaired persons or other judicial parties;

d) more than once;

dh) against two or more persons;

e) in such a manner that causes particular suffering to the victim;

ë) in a dangerous way regarding the life of many persons,

shall be punished to not less than twenty years or life imprisonment.

Article 79/a

Murder of public officials

(Added by law no.144/2013)

Murder of a member of parliament, judge, prosecutor, lawyer, military, or other public officials inline of their duty or because of their duty, when the capacities of the victim are evident or known, shall be punished to not less than 30 years or life imprisonment.

Article 79/b

Murder of the state police officers

(Added by law no.144/2013)

Murder of state police officers in line of duty or because of duty, when the capacities of the victim are evident or known, shall be punished to not less than 30 years or life imprisonment.

Article 79/c

Murder because of family relations

(Added by law no.144/2013)

Murder of the person who is the spouse, former spouse, cohabitant, or former cohabitant, close kin or close kin of the spouse of the offender, shall be punished to less than twenty years or life imprisonment.

Article 80

Providing for the material conditions and means for committing the murder shall be punished up to five years imprisonment.

Article 81

Infanticide

(Wording changed by law no.144, dated 02/05/2013, article 17)

The infanticide committed voluntarily by the mother immediately after birth shall be punished up to five years imprisonment.

Article 82
Homicide committed in profound psychiatric distress

Murder committed in a sudden state of profound psychiatric distress caused by violence or serious insult of the victim shall be sentenced up to eight years imprisonment.

Article 83
Homicide committed in excess of the necessary self-defense limits

Murder committed under the circumstances of exceeding self-defense limits shall be sentenced up to seven years imprisonment.

Article 83/a
Serious threat to retaliation or blood revenge

(Added up by law no 8733, dated 24.1.2001, Article 12;
Amended by law no 9686, dated 26.2.2007, Article 8; the part foreseeing the punishment to a fine, as the main punishment, along with the imprisonment punishment, abrogated by the Law no 144, dated 2.5.2013, Article 48)

Serious threat to retaliation or blood revenge, against a person for him to be locked up at home, shall be punished up to three years imprisonment.

Article 83/b
Incitement to blood feud

(Amended by law no 9686, dated 26.2.2007, Article 9; the part foreseeing the punishment to a fine, as the main punishment, along with the imprisonment punishment, abrogated by the Law no 144, dated 2.5.2013, Article 48)

Inciting other persons to retaliation or blood revenge, when it does not constitute other criminal offence, shall be punished up to three years imprisonment.

Article 84
Threat

Serious threat to murder or serious injury to someone shall constitute criminal contravention and shall be punished up to one year imprisonment.

Article 84/a
Threat due to racist and xenophobic motives through the computer system

(Added up law no 10 023, dated 27/11/2008, Article 12)

Serious threat to murder or serious injury to someone, through computer systems, because of their ethnicity, nationality, race or religion affiliation shall be punished to a fine or up to three years imprisonment.

SECTION II

CRIMES AGAINST LIFE CAUSED BY NEGLIGENCE

Article 85
Manslaughter

Homicide because due to negligence shall be punished to a fine or up to five years imprisonment.

SECTION III
CRIMINAL OFFENCES COMMITTED INTENTIONALLY AGAINST HEALTH

Article 86
Torture

(Amended by law no 9686, dated 26.2.2007, Article 10;
Amended by law no 23/2012, dated 1.3.2012, Article 56)

Intentional commission of actions, as a result of which a person was subjected to severe physical or mental suffering, by a person who exercises a public function or incited or approved by him, openly or in silence, with the purpose of:

a) obtaining from him or from another person information or confessions;

b) punishing him for an action committed or suspected to have been committed by him or another person;

c) intimidating or pressuring him or another person;

ç) any other purpose based in any form of discrimination;

d) any other inhuman or degrading action;

shall be punished from four up to ten years imprisonment.

Article 87
Torture resulting into serious consequences

Torture, like any other inhuman treatment, as long as it has inflicted handicap, mutilation or any permanent harm to the health of a person, or his death, shall be punished from ten to twenty years of imprisonment.

Article 88
Serious intentional injury

(Second paragraph amended by law no.144, dated 02/05/2013, Article 18)

The intentional injury inflicting handicap, mutilation or any other permanent detriment to the health, termination of pregnancy, or which has been dangerous to the life at the moment of its inducement, shall be punished from three to ten years imprisonment.

The same offence, when committed against several persons, against the person who is the spouse, former spouse, cohabitant, or former cohabitant, close kin or close in-law relationship with the offender, or when it results in death, shall be punished from five to fifteen years of imprisonment.

Article 88/a

Serious wounding under the conditions of strong psychic distress

(Added up by the law no 8733, dated 24/01/2001, Article 13)

Serious wounding, committed under the conditions of momentary strong psychic distress, caused by the victim's violence or serious insult, shall be punished up to five years imprisonment.

Article 88/b

Serious wounding in excess of the limits of necessary defense

(Added up by the law no 8733, dated 24/01/2001, Article 13)

Serious wounding, surpassing the limits of necessary defense, shall be punished up to three years imprisonment.

Article 89

Non-serious intentional injury

Intentional injury, inflicting temporary work incapacity of longer than nine days, constitutes criminal contravention and shall be punished to a fine or up to two years imprisonment.

Article 89/a

(Added up by law no 8204, dated 10/04/1997, Article 1)

The trade with human organs, as well as every action that relates to illegal removal or implantation of the organs shall sentenced from three up to ten years imprisonment.

These very offences, when committed for profit reasons, shall be punished from ten up to twenty years imprisonment.

Article 90

Other intentional harm

Battering, as well as any other violent offence, shall constitute criminal contravention and shall be punished to a fine.

The same offence, when causing temporary work incapacity of up to nine days, constitutes criminal contravention and it shall be punished to a fine or up to six months imprisonment.

SECTION IV
CRIMINAL OFFENCES AGAINST HEALTH COMMITTED DUE TO NEGLIGENCE

Article 91

Serious injury due to negligence

Serious injury due to negligence constitutes criminal contravention and shall be punished to a fine or up to one year imprisonment.

Article 92
Non-serious injury due to negligence

Non-serious injury due to negligence constitutes criminal contravention and shall be punished to a fine.

SECTION V
CRIMINAL OFFENCES ENDANGERING THE LIFE AND HEALTH BECAUSE OF INTERRUPTION OF PREGNANCY OR REFRAINING FROM PROVIDING HELP

Article 93
Interruption of pregnancy without the woman's consent

Interruption of pregnancy without the woman's consent, except those cases when interruption is imposed because of a justified health-related cause, shall be punished to a fine or up to five years imprisonment.

Article 94
Interruption of pregnancy conducted in unauthorized places by unlicensed persons

Interruption of pregnancy which is not conducted in public hospitals or specifically licensed private clinics, or by a person who is not doctor, or after the time allowed for the interruption except in the case when this is imposed because of a justified health-related cause, constitutes criminal contravention and shall be punished to a fine or up to two years imprisonment.
If the offence has caused danger to the life or resulted to death, it shall be punished to a fine or to up to five years imprisonment.

Article 95
Providing the utensils for interruption of pregnancy

Providing the utensils which serve for interruption of pregnancy of a woman in order to have either herself or with the help of somebody else interrupt the pregnancy, constitutes criminal contravention and shall be punished to a fine or to up to one year imprisonment.

Article 96
Reckless medication

(Added up paragraph II by law no 8733, dated 24/01/2001, Article 14)

Reckless medication of patients from the doctor or other medical staff, as well as non implementation of the therapy or the orders of the doctor from the medical staff or pharmacist, when it has caused serious harm to the health, has endangered the life

of the person or has caused his death, shall be punished to a fine or up to five years imprisonment.

This very offence, when it has caused the patients' infection by HIV/AIDS, shall be punished from three to seven years imprisonment.

Article 97
Refraining from providing help

Refraining from providing help without reasonable cause by the person who either legally or because of his capacity was obliged to provide, is considered criminal contravention and shall be punished a fine or to up to two years imprisonment when, as its consequence resulted into serious harm to the health, endangerment to life or death.

Article 98
Refraining from providing help by the captain of a ship

Refraining from providing help by the captain of a ship to the people who are drowning in the sea or in other waters, when this help could have been provided without causing serious danger to the ship, crew and passengers, shall be punished to a fine or up to four years imprisonment.

Article 99
Causing suicide
(Wording amended by law no 144/2013, Article 19)

Causing suicide or a suicide attempt to a person because of the systematic maltreatment or other systematic misbehaviors which seriously affect the dignity, committed by another person being the superior, or by the person having family or cohabitation relation shall be punished three up to seven years imprisonment

SECTION VI
SEXUAL CRIMES

Article 100
Sexual or homosexual relations with minors
(Amended by law no 8733, dated 24.1.2001, Article 15; amended the words in the second and third paragraph by the law no 144, dated 2.5.2013, Article 20)

Having sexual or homosexual relations with minor children, or with a female minor, who is not sexually matured, shall be punished from seven to fifteen years imprisonment.

When the sexual or homosexual intercourse was committed in complicity, more than once or by violence, or when the child victim had serious health consequences shall be punished to not less than twenty five years of imprisonment.

When that offence brought as a consequence the minor's death or suicide, it shall be punished to not less than thirty years or life imprisonment.

Article 101
Violent sexual or homosexual intercourse with a minor who is fourteen to eighteen years old

(Amended by law no 8733, dated 24/01/2001, Article 16)

Having sexual or homosexual relations by violence with children that are fourteen to eighteen years old, who is sexually matured, shall be punished from five to fifteen years imprisonment.

When the sexual or homosexual intercourse by violence was done in complicity, more than once, or when the child victim had serious health consequences; this shall be punished from ten to twenty years imprisonment.

When that offence brought as a consequence the minor's death or suicide, this is sentenced to not less than twenty years imprisonment

Article 102
Sexual assault by use of force with mature/adult women

(Paragraph I, II changed by Law No.8733, dated 24.01.2001 and Article 17;
the first paragraph changes by Law No.144, dated 02.05.2013, Article 21)

Engagement in sexual activity by use of force with adult females or between spouses or cohabitants, without the consent of either of them, shall be punishable by three to ten years imprisonment.

When the engagement in sexual activity is done by use of force and with accomplices, more than once, or when the victim had serious health consequences; this is punishable by imprisonment from five to fifteen years.

When the act has caused the death or suicide of the victim, it is punished with imprisonment for a term of from ten to twenty years.

Article 102/a
Homosexual activity by use of force with adult males

(Added by Law No. 8733, dated 24.01.2001, article 18;
Amended by law 23/2012, dated 01.03.2012, article 10)

Engagement in homosexual activity by use of force with adult males is punished by imprisonment from three to seven years.

When the engagement in homosexual activity is done by use of force in complicity, or more than once, or when the victim had serious health consequences; it is punishable by imprisonment from five to ten years.

When that act resulted in the death or suicide of the victim, it is punished by imprisonment from ten to twenty years.

Article 103

Sexual or homosexual activity with persons who are incapable of resistance

(Amended by Law No. 8733, dated 24.01.2001, article 19)

Engagement in sexual or homosexual activity by exploiting the physical or mental disability of the aggrieved person, or because of a profound consciousness disorder, is punishable by imprisonment from five to ten years.

When the engagement in sexual or homosexual intercourse is done in complicity, or more than once, or when the victim had serious health consequences; this is sentenced by imprisonment from seven to fifteen years.

When that act resulted in the death or suicide of the victim, this is punishable by imprisonment from ten to twenty years

Article 104

Sexual or homosexual assault by use of weapon

(Amended by Law No. 8733, dated 24.01.2001, article 20)

Sexual or homosexual intercourse by intimidating the person with the immediate/ instant use of a weapon is punishable by imprisonment from five to fifteen years.

Article 105

Sexual or homosexual activity by abuse of official position

(Amended by Law No. 8733, dated 24.01.2001, article 21)

Engagement in sexual or homosexual activity by abusing the relations of dependency and job position, is punishable by imprisonment up to three years.

Article 106

Sexual or homosexual activity with consanguine persons and persons in the position of trust

(Amended by Law No. 8733, dated 24.01.2001, article 22)

Engagement in the act of sexual or homosexual intercourse between parents and children, brother and sister, between brothers, sisters, between consanguine relatives in an ascending line or with persons in the position of trust or adoption, is sentenced by imprisonment up to seven years

Article 107

Sexual or homosexual activity in public places

(Added by Law No.8733, dated 24.01.2001, article 23;
Article 107/a is added by Law No. 144, dated 02.05.2013, article 22)

Engagement in the act of sexual or homosexual intercourse in public places or in places exposed to the sight of people constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

Article 107/a
Sexual violence

Exercising sexual violence by performing actions of a sexual nature on the body of another person through the use of objects shall constitute a criminal offence and is punishable by imprisonment of from three to seven years.

When this action is committed with accomplices, against several persons, more than once or against children fourteen to eighteen years of age, it is punishable by imprisonment of from five to fifteen years.

When this action is committed against a child under fourteen years of age or a child who is not sexually matured, regardless of whether it is committed by use of violence or not, it shall be punishable with no less than twenty years of imprisonment.

When this action as a consequence has brought the death or suicide of the victim, it shall be punishable by not less than twenty five years of imprisonment.

Article 108
Immoral acts
(Amended by law no.8733, dated 24.01.2001, article 24;
Amended by law no. 23/2012, dated 01.03.2012, article 11;
Paragraphs added by law no. 144, dated 02.05.2013, article 23)

Commitment of immoral acts with minors under the age of fourteen are punishable by imprisonment of from three to seven years.

The same offence, when committed against a minor who has not reached the age of fourteen, with whom the offender has family relations, shall be punishable by five to ten years of imprisonment."

Intentional involvement as a witness, in actions of a sexual nature, of a minor who has not reached the age of fourteen, or a minor who is not sexually mature yet, shall constitute a criminal offence and is punishable with one to five years of imprisonment.

The proposal made by an adult person, by any means or form, to meet with a minor who has not reached the age of fourteen or a minor who is not sexually mature yet, with the aim of committing any of the criminal offences foreseen in this Section or in Section VIII, Chapter II of this Code, shall constitute a criminal offence and is punishable with one to five years of imprisonment.

Article 108/a
Sexual harassment

(Article 108/a is added by law no. 144, dated 02.05.2013, article 24)

Commitment of actions of a sexual nature which infringe the dignity of a person, by any means or form, by creating a threatening, hostile, degrading, humiliating or offensive environment, shall constitute a criminal offence and is punishable with one to five years of imprisonment.

When this offence is committed in complicity, against several persons, more than once, or against children, it shall be punishable by three to seven years of imprisonment."

SECTION VII
CRIMINAL ACTS AGAINST PERSON'S FREEDOM

Article 109
Kidnapping or holding a person hostage

(Amended by law no. 8733, dated 24.01.2001, article 25;
Added by law no. 9275, dated 16.09.2004, article 10;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Kidnapping or holding a person hostage in order to gain wealth or any other benefit, to facilitate the preparation of conditions for committing a crime, helping in hiding or departure of perpetrators or collaborators of a crime, avoiding the punishment, forcing the realization of certain requests or circumstances, for political or other reasons, is punishable by imprisonment of from ten to twenty years.

This very act, committed against a minor under the age of fourteen, is punishable by imprisonment of not less than fifteen years.

Kidnapping or holding hostage a person or a minor under the age of fourteen, preceded or accompanied with physical or psychic tortures, when it is committed against several persons or more than once, is punishable by imprisonment of not less than twenty years, and when it resulted in death, is punishable by life imprisonment.

Article 109/a
Kidnapping or holding hostage a person in lenitive circumstances

(Added by law no. 8733, dated 24.01.2001, article 26)

When the person being kidnapped or held hostage is voluntarily allowed to go before the expiry of seven days from the day he was kidnapped or held hostage, without achieving the outcome of the crime and, when against the person is not wielded any torture or there are no health damages, is sentenced by imprisonment from three to five years.

Article 109/b
Forcing through blackmail or violence to give out the property

(Added by law no. 9275, dated 16.09.2004, article 11;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Causing a person, through blackmail or violence, to do or not do a certain action, in order to unjustly gain wealth or any other benefit, for themselves or for third persons, is sentenced with imprisonment from two to eight years.

The same act, when committed by using or by threatening to use the gun, torture, inhuman and humiliating acts which have caused harm to the health, are sentenced by imprisonment of from seven to fifteen years.

When the crime as a consequence has caused the death of the person, it is sentenced by life imprisonment.

Article 109/c
Enforced disappearance

(Added by law no.144, dated 02.05.2013, article 25)

Enforced disappearance through arrest, detention, abduction or any other form of deprivation of liberty of the person by public officials or persons acting upon their authorisation, support or approval, followed by the non-acceptance of the deprivation of liberty or by concealment of the fate or whereabouts of the person, by denying the assistance and necessary protection in compliance with the law, shall constitute criminal offence and it shall be punishable by imprisonment from seven to fifteen years.

The superior who:

a) Is aware that the dependents under his authority and effective control are or are about to commit the enforced disappearance, or who does not take into account data and information which clearly point to this fact;

b) Exercises his effective responsibility and control over the activities to which the enforced disappearance is linked with; or

c) Does not take all the necessary and reasonable measures under his/her competence to prevent or punish the person who issues the authorisation, support, and approval of the enforced disappearance or to send the case to the competent bodies of criminal prosecution; shall be punished by three to seven years of imprisonment.

When such offence is committed against children, pregnant women, or persons who because of different reasons cannot protect themselves, or when such offence causes serious physical suffering, it is committed in complicity, against several persons or more than once, it shall be punishable by imprisonment from ten to twenty years.

When such offence causes the death of a person it shall be punishable by imprisonment of not less than thirty years or with life imprisonment.

Illegal taking of children who are subjects of enforced disappearance or of children whose father, mother or legal representative is the subject of enforced disappearance, or of

children born during the period of enforced disappearance, shall constitute criminal offence and shall be punishable by imprisonment of from five to ten years.

Article 110
Unlawful detention

(Paragraph II is amended by law no.8733, dated 24.01.2001, article 27)

Unlawful detention of a person constitutes criminal contravention and is punishable by fine or imprisonment of up to one year.

When this act is accompanied by severe physical suffering, committed in complicity against several persons or more than once, is punished by imprisonment of from three to seven years.

Article 110/a
Trafficking in adult persons

(Added by law no. 8733, dated 24.01.2001, article 28;
Amended by law no. 9188, dated 12.02.2004, article 1;
The title, wording in the first and third paragraphs are changed and paragraph II is added by law no. 144, dated 02.05.2013, article 26;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

The recruitment, transport, transfer, hiding or reception of persons through threat or the use of force or other forms of compulsion, kidnapping, fraud, abuse of office or taking advantage of social, physical or psychological condition or the giving or receipt of payments or benefits in order to get the consent of a person who controls another person, with the purpose of exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or forms similar to slavery, putting in use or transplanting organs, as well as other forms of exploitation, both within and beyond the territory of the Republic of Albania, shall be punishable by imprisonment from eight to fifteen years.

When such offence is committed against an adult female person, it shall be punishable by imprisonment of from ten to fifteen years.

The organization, management and financing of the trafficking of persons is punished with imprisonment of from seven to fifteen years.

When such offence is committed in collaboration, more than once, accompanied with maltreatment and forcing the victim to commit various actions through the use of physical or psychological violence, causing serious consequences to the health or threatening his life, is punishable by imprisonment of no less than fifteen years

When the offence as a consequence has caused the death of the victim, it is punished by imprisonment of no less than twenty years or with life imprisonment.

When the criminal offence is committed through the utilization of a state function or public service, the punishment of imprisonment is increased by (¼) one fourth of the punishment given.

Article 110/b
Benefit from or use of services provided by trafficked persons
(Added by law no.144, dated 02.05.2013)

The benefit from or use of services provided by trafficked persons, or services which are subject to exploitation by trafficking, being aware that the person is trafficked, shall be punishable by imprisonment of from two to five years.
When this offence is committed against a minor, it shall be punishable by imprisonment of from three to seven years.

Article 110/c
Actions facilitating trafficking
(Added by law no.144, dated 02.05.2013)

Forgery, possession, or provision of identity cards, passports, visas or other travel documents, or their retaining, removal, hiding, damaging or destruction which have served for the trafficking of adult persons, but having no knowledge of this fact, shall constitute criminal offence and shall be punishable by two to five years of imprisonment.

The same offence, when committed in complicity, more than once, or is committed by the person who has the task to issue the ID card, passport, visa, or the travel document, or has enabled trafficking of children, shall be punishable by four to eight years of imprisonment.

The same offence, when it results in serious consequences, shall be punishable by not less than five years of imprisonment.

Article 111
Hijacking of planes, ships and other means

Hijacking of planes, ships and other means of transportation that carry people through violence or by threatening with arms or other means is punishable by ten to twenty years of imprisonment.

Article 112
Breaking and entering into someone's house

Breaking and entering into someone's house without his consent constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

When the act is committed by force or by threat of gunpoint constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

SECTION VIII
CRIMINAL ACTS AGAINST MORALITY AND DIGNITY

Article 113
Prostitution

(Added by law no. 23/2012, dated 01.03.2012, article 12)

Exercise of prostitution is punishable by a fine or up to three years of imprisonment.

Giving a payment for personal benefit of prostitution shall be punished by a fine or imprisonment of up to three years.

Article 114
Exploitation of prostitution

(The title is changed and paragraph ii is repealed by law no. 8279, dated 15.01.1998, article 2;
Amended by law no.144, dated 02.05.2013, article 28)

Encouragement, mediation, or receipt of compensation for exercising prostitution shall be punishable by two to five years of imprisonment.

When the same offence is committed with minors, against several persons, with persons who are close kin, close kin of the spouse, who have custodial relationships or availing themselves of their official relationship, or when committed in complicity or more than once, or by state and public officials, shall be punishable by seven to fifteen years of imprisonment.

Article 114/a
Exploitation of prostitution with aggravated circumstances

(Added by law no. 8279, dated 15.01.1998, article 2, point 6 and
the last paragraph changed by law no. 8733, dated 24.01.2001, article 29;
Abrogated by law no.144, dated 02.05.2013, article 48)

~~When exploitation of prostitution is committed:~~

~~1. with minors;~~

~~2. against some persons;~~

~~3. with persons within close consanguinity, in-laws or custodial relations or by taking advantage of an official rapport;~~

~~4. with deception, coercion, violence or by taking advantage of the physical or mental incapability of the person;~~

~~5. against a person that has been forced or coerced to exercise prostitution out of the territory of the Republic of Albania;~~

6. It is committed with accomplices or more than once or by persons who have state and public functions/duties; is punished from seven up to fifteen years of imprisonment.

Article 114/b
Trafficking of Women

(Amended by law no. 9188, dated 12.02.2004, article 2;
Abrogated by law no.144, dated 02.05.2013, article 48)

The recruitment, transport, transfer, hiding or reception of women through threat or use of force or other forms of coercion, kidnapping, fraud, abuse of office or taking advantage of social, physical or psychological condition or the giving or receipt of payments or benefits, in order to get the consent of a person who controls another person, with the purpose of exploitation of prostitution of others or other forms of sexual exploitation, forced services or work, slavery or forms similar to slavery, putting to use or transplanting organs, as well as other forms of exploitation, are punished with imprisonment of from seven to fifteen years and with a fine of from three to six million ALL.

The organization, management and financing of the trafficking of woman is punished with imprisonment of from ten to fifteen years and with a fine of from five to seven million ALL.

When this crime is committed in collaboration or more than once, or is accompanied by mistreatment and making the victim commit various actions through the use of physical or psychological force, or brings serious consequences to health, it is punished with imprisonment of no less than fifteen years and with a fine of from six to eight million ALL.

When the crime has brought about the death of the victim as a consequence, it is punished with imprisonment of no less than twenty years or with life imprisonment, as well as with a fine of from seven to ten million ALL.

When the criminal crime is committed through the utilization of a state function or public service, the punishment of imprisonment and the fines are increased by one fourth of the punishment given.

Article 115
Use of premises for prostitution

Managing, utilizing, financing, renting the premises for purposes of prostitution, is punishable by a fine or up to ten years of imprisonment.

Article 116
Homosexuality

(Repealed by law no. 8733 dated 24.01.2001, article 31)

Article 117

Pornography

(Paragraph II is added by law no. 9859, dated 21.01.2008, article 1;
Amended by law no.144, dated 02.05.2013, article 29)

Production, distribution, advertisement, export, import, sale, and publication of pornographic materials in environments with children, by any means or form, shall constitute criminal contravention and shall be punishable by imprisonment of up to two years.

Production, import, offering, making available, distribution, broadcasting, use, or possession of child pornography, as well as the conscious creation of access in it, by any means or form, shall be punishable by three to ten years of imprisonment.

Recruitment, exploitation, compulsion, or the persuasion of a child to participate in pornographic shows, as well as the participation in such shows which involve the participation of children, shall be punishable by five to ten years of imprisonment.

Article 118
Desecration of graves

Desecration of cemeteries, graves, exhumations, as well as theft of items found there in, as well as every other act of disrespect towards the dead, is punishable by a fine or up to five years of imprisonment.

Article 119
Insulting

(Paragraph II is changed by law no. 8733, dated 24.01.2001, article 32;
Amended by law no.23/2012, dated 01.03.2012, article 13)

Intentional insult of a person shall constitute a criminal misdemeanour, and is punished by a fine of fifty thousand to one million ALL.

The same act, when committed in public, to the detriment of several persons, or more than once, constitutes a criminal misdemeanour and shall be punished by a fine of fifty thousand to three million ALL.

Article 119/a
Dissemination of racist or xenophobic materials through the computer system

(Added by law no. 10 023, dated 27.11.2008, article 13)

Offering in public or deliberately disseminating to the public through computer systems materials with racist or xenophobic content constitutes a criminal misdemeanor and is punishable by a fine or imprisonment of up to two years.

Article 119/b
Insulting due to racist or xenophobic motives through the computer system

(Added by law no. 10 023, dated 27.11.2008, article 13)

Intentional insulting of a person in public, through a computer system, because of ethnicity, nationality, race or religion constitutes a criminal misdemeanor and is punishable by fine or imprisonment of up to two years.

Article 120

Libel

(Paragraph II changed by law no. 8733, dated 24.01.2001, article 33;
Amended by law no.23/2012, dated 01.03.2012, article 14)

Intentional dissemination of statements, and any other pieces of information, with the knowledge that they are false, affect a person's honour and dignity, shall constitute criminal misdemeanour, and is punished by a fine of fifty thousand to one million five hundred thousand ALL.

Where that act is committed in public, to the detriment of several persons, or more than once, it shall be punished by a fine of fifty thousand to three million ALL.".

Article 121

Intruding into someone's privacy

Installing appliances which serve for hearing or recording words or images, the hearing, recording or airing words, fixing, taping or transmitting images, as well as their preserving for publication or the publication of the data which exposes an aspect of the private life of the person without his consent, constitutes criminal misdemeanor and is punishable by a fine or up two years of imprisonment.

Article 121/a

Stalking

(Added by law no.23/2012,dated 01.03.2012, article 15)

Intimidation or harassment of a person through repetitive actions, with the intent to cause a state of constant and severe anxiety to or fear for personal safety, of a relative or person with whom that person has a spiritual connection, or to force him or her to change his or her way of living, shall be punished by imprisonment of six months to four years.

Where that offence is committed by an ex-spouse, former cohabitant, or person who had a spiritual connection with the injured party, the punishment shall increase by (1/3) one third of the sentence imposed.

Where that offence is committed against a minor, pregnant woman or person unable to defend himself or herself, and where it has been committed by a person in disguise or accompanied with the carrying or use of weapons, the punishment shall increase by one-half of the sentence imposed.".

Article 122

Spreading personal secrets

Spreading a secret that belongs to someone's private life, by the person who obtains that [secret] because of his duty or profession, when he is compelled not to spread it without prior authorization, constitutes criminal misdemeanor and is punishable by a fine or up to one year of imprisonment.

The same act committed with the intent of embezzlement or of damaging another person, constitutes criminal misdemeanor and is punishable by a fine or up to two years of imprisonment.

Article 123
Obstruction or violation of the privacy of correspondence

Intentional commitment of acts such as destruction, non-delivery, opening and reading of letters or any other correspondence, as well as the interruption, placement under control or tapping of telephones, telegraphs, or any other means of communication, constitutes criminal misdemeanor and is punishable by a fine or up to two years of imprisonment

SECTION IX
CRIMINAL ACTS AGAINST CHILDREN, MARRIAGE AND FAMILY

Article 124
Abandonment of minor children
(Paragraph I is changed by law no.8733, dated 24.01.2001, article 34)

Abandonment of a child under the age of sixteen by a parent or by a person compelled to guard over him, is punishable by a fine or up to three years of imprisonment.

When from the offence is caused serious harm to the health or the death of the child, it is punishable by three up to ten years of imprisonment.

Article 124/a
Asking or reception of remuneration for adoption procedures
(Added by law no. 9086, dated 19.06.2003, article 5;The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Asking, proposal, giving or acceptance of remunerations and other benefits, to commit or not to commit an action, related to the adoption process of a minor, are punished with imprisonment of up to seven years.

Article 124/b

Maltreatment of minors

(Added by law no. 9859, dated 21.01.2008, article 2;
Amended by law no.23/2012, dated 01.03.2012, article 16;
The second paragraph changed by law no. 144, dated 02.05.2013, article 30)

Physical or psychological abuse of a minor by his or her parents, sister, brother, grandfather, grandmother, legal guardian or any person who is obliged to take care of the minor, shall be punished by imprisonment of three months to two years.

Coercing, exploitation, encouragement, or use of a minor to work, to obtain income, to beg, or to perform actions that damage his/her mental and/or physical development, or education, shall be punishable by two to five years of imprisonment.

Where from the offence is caused severe health damage or the death of the minor, it is punishable by ten to twenty years of imprisonment.

Article 125
Denial of support

Denial of necessary support for the living of children, parents or spouse, from the person who is obliged, through a court order, to provide the support, constitutes criminal misdemeanor and is punishable by a fine or up to one year of imprisonment.

Article 126
Failing to inform on the changing of domicile

Failure to inform within one month on the changing of domicile to the interested party or to the law-enforcement agency, by the person who, according to the court order, is compelled to provide the necessary living support means to children, parents or his/her spouse, or by the person who is taking care of children after divorce, constitutes criminal misdemeanor and is punishable by a fine or up to three months of imprisonment.

Article 127
Taking the child unlawfully

Taking the child unlawfully away from the person exercising parental authority or entrusted to raise and educate him, as well as not giving the child to the other parent in breach of the court order, constitutes criminal misdemeanor and is punishable by a fine or up to six months of imprisonment.

Article 128
Child swapping

Babies switched because of negligence committed by the staff at the place where they are raised, cured, or at the maternity hospital, constitutes criminal misdemeanor and is punishable by a fine or up to two years of imprisonment.

Article 128/a
Deliberately hiding or swapping a child
(Added by law no.8733, dated 24.01.2001, article 35)

Deliberately hiding or swapping a baby with another one, committed by the medical personnel, is punishable by imprisonment from three to eight years.

Article 128/b
Trafficking of Minors
(Amended by law no. 9188, dated 12.02.2004, article 3;
Added by law no. 9859, dated 21.01.2008, article 3;
Wording in paragraph I are changed by law no.144, dated 02.05.2013, article 31;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Recruitment, sale, transport, transfer, hiding or reception of minors with the purpose of exploitation for prostitution or other forms of sexual exploitation, forced labor of service, slavery or forms similar to slavery, putting in use or transplanting organs, as well as other forms of exploitation, shall be punishable by ten to twenty years of imprisonment.

Organization, management and financing of the trafficking of minors is punished with imprisonment of from ten to twenty years.

When this crime is committed in collaboration or more than once, or is accompanied with the maltreatment and forcing of the victim through physical or psychological violence to commit various actions, or bring serious consequences to health, it is punished with imprisonment of no less than fifteen years.

When the offence as a consequence has brought about the death of the victim it is punished with imprisonment of no less than twenty years or with life imprisonment.

When the criminal offence is committed through the utilization of a state function or public service, the punishment of imprisonment is increased by one fourth of the punishment given.

Article 129
Inducing minors to criminality

Inducing or encouraging minors under the age of fourteen to criminality is sentenced up to five years of imprisonment.

Article 130

Coercion or obstruction of cohabitating, concluding or dissolving a marriage

(Amended by law no.144, dated 02.05.2013, article 32)

Coercing or obstructing the initiation or continuation of cohabitation, or coercion to enter into or dissolve the marriage, shall constitute a criminal misdemeanour and is punishable with a fine or imprisonment up to three months.

Intentional request to an adult or child to leave the territory of the Republic of Albania for purposes of obliging him to enter into marriage, shall constitute a criminal misdemeanour and is punishable with a fine or imprisonment up to three months

Article 130/a

Domestic Violence

(Added by law no.23/2012, dated 01.03.2012, article 17;
The last paragraph is changed by law no.144, dated 02.05.2013, article 33)

Battering and any other act of violence against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative or close relative in-law to the perpetrator of the criminal offence, resulting in violation of his or her physical, psycho-social and economic integrity, shall be punished by imprisonment of up to two years.

A serious death threat or serious injury, against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative or close relative in-law to the perpetrator of the criminal offence, resulting in violation of his or her physical, psycho-social and economic integrity, shall be punished by imprisonment of up to three years.

Intentional injury committed against a person who is a spouse, former spouse, cohabitant or former cohabitant, close relative or close relative in-law to the perpetrator of the criminal offence, resulting in a temporary disability for work for more than nine days, shall be punished by imprisonment of up to five years.

The same offences which are committed repeatedly or in the presence of minors, shall be punishable by one to five years of imprisonment.

SECTION X
CRIMINAL ACTS AGAINST FREEDOM OF RELIGION

Article 131

Obstructing the activities of religious organizations

Ban on the activity of religious organizations, or creating obstacles for the free exercise of their activities, is punishable by a fine or to up to three years of imprisonment.

Article 132

Destructing or damaging places of worship

Voluntarily destructing or damaging places of worship, when it has inflicted the partial or total loss of their values, is punishable by a fine or up to three years of imprisonment.

Article 133
Obstructing religious ceremonies

Ban or creating obstacles to persons for participating in religious ceremonies, as well as for freely expressing religious beliefs, constitutes criminal misdemeanor and is punishable by a fine or up to one year of imprisonment.

CHAPTER III
CRIMINAL ACTS RELATED TO PROPERTY OR IN THE ECONOMIC AREA

SECTION I
THEFT OF PROPERTY

Article 134
Theft

(Amended by law no. 9275, dated 16.09.2004, article 12;
Amended by law no.23/2012, dated 01.03.2012, article 18)

Property theft is punished by fine or imprisonment of up to three years.

The same offence, when committed in complicity or more than once, is punished with an imprisonment term of six months to five years.

The same offence, when it has brought about serious consequences, is punished with imprisonment of four to ten years.

Article 135
Theft through abuse of office

(Amended by law no.23/2012, dated 01.03.2012, article 19;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Theft of property, committed by the person whose duty is to protect and administer it, or through abuse of office, is sentenced up to ten years of imprisonment.

Article 136
Bank robbery and robbery of savings bank branches

(Paragraph II is added by law no.8733, dated 24.01.2001, article 37)

Bank and savings bank robbery is punishable by imprisonment of from five up to fifteen years.

This very act, when committed in complicity, more than once, or when it brought about serious consequences, is sentenced by imprisonment from ten to twenty years.

Article 137

~~**Stealing electrical power or telephone impulses**~~

(Paragraph I is added by law no.8733, dated 24.01.2001, article 38;
Paragraph II is amended by law no. 10 023, dated 27.11.2008, article 14;
Amended by law no. 98, dated 31.07.2014, article 2)

~~Illegal connection to the electrical grid constitutes a penal contravention and is sentenced by a fine or imprisonment up to two years.~~

~~Stealing electrical power or telephone lines impulses is punishable by up to three years of imprisonment.~~

Theft of electrical power or phone impulses

Theft of the electrical power or phone impulses, damage caused to the meter as well as any other illegal and unauthorised intervention with the measuring system or with the electoral or phone system, performed to the effect of an illegal benefit, shall consist a criminal offence and it shall be punished to an imprisonment term of up to three years.

This criminal offence shall, upon being committed in complicity or more than once or by the non-household users of the electoral power or the phone service system, be sentenced to imprisonment from one to five years.

Article 137/a

Theft [unauthorised use]3 of electronic communications network

(Added by law no.144, dated 02.05.2013, article 34)

Theft of the electronic communications network shall be punishable by imprisonment of up to three years.

The same offence, when committed in complicity, more than once, or when it results in serious consequences, shall be punishable by three to seven years of imprisonment.

Article 138

Theft of works of art and culture

Stealing works of art and culture is punishable by a fine or up to five years of imprisonment.

Stealing works of art and culture that have national importance is punishable by five to ten years of imprisonment.

Article 138/a

[3] Translator's note

Trafficking of works of art and culture

(Added by law no. 8733, dated 24.01.2001, article 39)

The illegal import, export, transit, and trade of art and culture works, in order to have material or any other benefits, is sentenced by imprisonment from three to ten years.

This very act, when committed in complicity, or more than once, or when it brings about serious consequences, is sentenced by imprisonment from five to fifteen years.

Article 139
Robbery

Stealing property through the use of force is punishable by five to fifteen years of imprisonment.

Article 140
Armed Robbery

(Amended by law no.8733, dated 24.01.2001, article 40;
Amended by law no.9686, dated 26.02.2007, article 11)

Theft of property, accompanied by bearing military weapons or ammunitions, or by their use, is punished by imprisonment from ten to twenty years.

Article 141
Theft resulting in death

(Amended by law no.8733, dated 24.01.2001, article 79)

Theft of property, when accompanied with violations resulting in the death of the person, is punishable by fifteen to twenty years of imprisonment or to life imprisonment.

Article 141/a
Trafficking of motor vehicles

(Added by law no.8733, dated 24.01.2001, article41)

Illegal import, export, transit, and trade of stolen motor vehicles, in order to have material or other benefits, is punishable by imprisonment of from three to seven years.

This very act, when committed in complicity, or more than once, or when it brings about serious consequences, is punishable by imprisonment from five to fifteen years.

Article 142
Providing equipment for theft

Providing the conditions and material equipment for theft of property is punishable by a fine or up to three years of imprisonment.

SECTION II
FRAUD

Article 143
Fraud

(Paragraph II is added by law no.8733, dated 24.01.2001, article 42)

Stealing property through lies or abuse of trust is punishable by a fine or up to five years of imprisonment.

This very act, when committed in complicity in the detriment of several persons, or more than once, is punished by imprisonment from three to ten years and, when it brings about serious consequences, it is sentenced by imprisonment from ten to twenty years.

Article 143/a
Fraudulent and pyramid schemes

(Added by law no.8733, dated 24.01.2001, article 43)

Organizing and putting in function fraudulent and pyramid schemes by borrowing money, in order to have material benefits, is punished by imprisonment from three to ten years.

This very act, when it brings about serious consequences, is sentenced by imprisonment from ten to twenty years.

Article 143/a/1
Manipulating the Market

(Added by law no.23/2012, dated 01.03.2012, article 20)

Intentional inaccurate presentation of the value of a commodity, service or currency, with the intent to disrupt free and fair functioning of the market, shall be punishable by a fine or imprisonment of up to four years.

Article 143/a/2
Unauthorised Use and Divulgence of Privileged Information

(Added by law no.23/2012, dated 01.03.2012, article 20)

A person who, in an authorised or unauthorised manner, becomes aware of privileged information, which the public is unaware of, and which he or she may use with the intent to obtain a material benefit for himself or herself or a third party, or in the detriment of the latter, in one of the following ways:

a) Buying or selling securities traded in the territory of the Republic of Albania, or traded by an issuer based in the Republic of Albania;

b) Aware of the nature of privileged information, communicating it, without authorisation, to a third party;

c) Aware of the privileged nature of information, advising a third party to buy or sell securities traded in the territory of the Republic of Albania, or traded by an issuer based in the Republic of Albania, shall be punished by imprisonment of six months to three years.

Where that offence has been committed in complicity, more than once, or has resulted in serious consequences, it shall be punished by imprisonment of up to five years.

Article 143/a/3

Manipulating Price and Disseminating False Information

(Added by law no.23/2012, dated 01.03.2012, article 20)

Action or omission of a person, who:

a) Signs a fictitious contract for the sale or replacement of securities;

b) Places an order for the purchase or sale of securities, for which an order at the same price has already been placed, or uses these securities as a counter-order;

c) Spreads information or other false facts on an increase or decrease of the price of securities, or creation of their fictitious trading, with the intent to obtain a benefit for himself or herself, or a third party, or to the detriment of the latter, shall be punished by imprisonment of six months to three years.

Where that offence has been committed in complicity, more than once, or has resulted in serious consequences, it shall be punished by imprisonment of two to five years.

Article 143/a/4

Submitting False Data and Disseminating Data without Authorisation

(Added by law no.23/2012, dated 01.03.2012, article 20)

A person who, as member of an issuer's department or supervisory board, allows or facilitates disclosure of a prospectus, other than the one specified by law, or allows or facilitates the presentation of false data or false presentation of facts of material value in a prospectus, shall be punished by imprisonment of six months to three years.

When that offence has been committed in complicity, more than once, or has resulted in serious consequences, it shall be punished by imprisonment of up to five years.

Article 143/a/5

Unauthorised Registration of Securities in the Stock Exchange

(Added by law no.23/2012, dated 01.03.2012, article 20)

A person who, as member of stock exchange directorate, allows registration in quotation one, quotation of public joint stock companies or other quotations of securities, which do not meet the requirements of the Law on Securities, shall be punished by imprisonment of six months to three years.

Where that offence has been committed in complicity, more than once, or has caused serious consequences, it shall be punished by imprisonment of two to five years.

Article 143/a/6
Concealment of Property

(Added by law no.23/2012, dated 01.03.2012, article 20)

A person who intentionally fails to disclose data on his or her property to the Financial Supervisory Authority, under the Law on Securities, shall be punished by a fine or imprisonment of up to one year.

Where that offence has been committed in complicity, more than once, or has caused serious consequences, it shall be punished by imprisonment of two to five years.

Article 143/a/7
Illegal Trading of Securities

(Added by law no.23/2012, dated 01.03.2012, article 20)

A person who engages in unauthorised brokerage for the purchase or sale of securities shall be punished by a fine or imprisonment of up to one year.

Where that offence has been committed in complicity, more than once, or has caused serious consequences, it shall be punished by imprisonment of two to five years."

Article 143/b
Computer fraud

(Added by law no. 10 023, dated 27.11.2008, article 15;
The part that provides fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Entering, modifying, deleting or omitting computer data or interfering in the operation of a computer system, in order to ensure for oneself or for other parties, through fraud, an unfair economic benefit or to cause to a third party asset reduction, are punishable by imprisonment from six months up to six years.

This very act, when committed in complicity, or more than once, or when it has brought about serious material consequences, is punished by imprisonment from five to fifteen years.

Article 144
Fraud on subsidies

Fraud on documents presented, thus fraudulently obtaining subsidies from the state, is punishable by a fine or up to four years of imprisonment.

Article 144/a
Creation of fraudulent schemes regarding value added tax
(Added by law no.144, dated 02.05.2013, article 35)

The organization and implementation of fraudulent schemes, with the purpose of material benefit for one's self or for others, by not paying, or benefiting credit or reimbursement of the value added tax, shall be punishable by three to ten years of imprisonment.

Article 145
Fraud on insurance

Presenting false circumstances [or false information] related to the object to be insured, or fabricating false circumstances and presenting them into documents thus fraudulently obtaining insurance, is punishable by a fine or up to five years of imprisonment.

Article 146
Loan fraud

Fraud on presented documents, thus fraudulently obtaining loan through fictitious registration in property registration offices of objects which do not exist, or which are over estimated, or which belong to someone else's property, committed with the intent of not paying back the loan, is punishable by a fine or up to seven years of imprisonment.

Article 147
Fraud on works of art and culture
(Amended by law no.8733, dated 24.01.2001, article 44)

Theft of property through fraud by presenting a work of art or culture as being original or by an author other than the real one, is punishable by a fine or up to four years of imprisonment.

Article 148
Publication in someone's own name of the work of another person
(Amended by law no.8733, dated 24.01.2001, article 45)

Publication or the partial or total use with his own name, of a work of literature, music, art or science which belongs to another, constitutes criminal contravention and is punishable by a fine or up to two year of imprisonment.

Article 149
Unlawful reproduction of someone else's work
(Amended by law no.8733, dated 24.01.2001, article 46)

Total or partial reproduction of a work of literature, music, art or science which belongs to another, or if their use is conducted without the author's consent, when his personal and property rights are violated, constitutes criminal contravention and is punishable by a fine or by imprisonment up to two years.

Article 149/a
Violation of Industrial Property Rights
(Added by law no.23/2012, dated 01.03.2012, article 21)

Manufacturing, distributing, possessing for commercial purposes, selling, offering for sale, supplying, distributing, exporting or importing for these purposes of:

a) A product or process protected by a patent, without the patent owner's consent;

b) A product that is protected by an industrial design, without the consent of the owner of industrial design;

c) Goods or services protected by a trademark, without the consent of the owner of the trademark;

ç) A product derived from a geographical indicator, without the consent of the owner of geographical indicator; committed intentionally, shall constitute a criminal misdemeanour and be punished by a fine or imprisonment of up to one year.

Where that offence has been committed in complicity, or more than once, it shall be punished by a fine or imprisonment of up to two years."

Article 149/b
Violations of the Rights of the Topography of Semiconductor Circuits
(Added by law 23/2012)

Production, use, possession for purposes of marketing, selling, offering for sale, supplying, distributing, exporting or importing for these purposes a product that violates the rights of registered circuit topography, semiconductor or integrated circuit, without the consent of the owner of the topography, committed intentionally, shall constitute a criminal misdemeanour and it is punished by a fine or imprisonment of up to one year.

When this act has been committed in complicity, or more than once, it shall be punished by a fine or imprisonment of up to two years.".

SECTION III
DESTRUCTION OF PROPERTY

Article 150
Destruction of property

Intentionally destroying or damaging the property, when material consequences are serious, is punishable by a fine or up to three years of imprisonment.

Article 151
Destruction of property by fire

Intentionally destroying or damaging the property by fire is punishable by a fine or up to five years of imprisonment.

When the criminal act has led to serious material consequences, it is sentenced up to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by five to fifteen years of imprisonment.

Article 152
Destruction of property by explosives

Intentionally destroying or damaging property by explosives is punishable by a fine or up to five years of imprisonment.

When the criminal act has led to serious material consequences, it is punishable by five to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by ten to twenty years of imprisonment.

Article 153
Destruction of property by flooding

Intentionally destroying or damaging property by flooding is punishable by a fine or up to five years of imprisonment.

When the criminal act has led to serious material consequences, it is punishable by five to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by five to fifteen years of imprisonment.

Article 154

Destruction of property with other means

Intentionally destroying or damaging the property with other means, which constitute danger to the environment and the health of people, is punishable by a fine or to up to five years of imprisonment.

When the criminal act has led to serious material consequences, it is punishable by five to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by five to fifteen years of imprisonment.

Article 155
Destruction of roads

Intentionally destroying or damaging automobile roads, railways and works related to them, is punishable by a fine or up to seven years of imprisonment.

When the criminal act has led to serious material consequences, it is punishable by three to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by five to fifteen years of imprisonment.

Article 156
Destruction of power grid networks

Intentionally destroying or damaging power, telegraphic, telephonic, radio television network or any other communication network, is punishable by a fine or up to three years of imprisonment.

This very act, when committed in complicity, more than once, or when it brought about serious consequences, is punished by imprisonment up to three years.

Article 157
Destruction of the watering system

Intentionally destroying or damaging the watering or draining systems or the works related to them, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 158

Unfair management of water, by turning or changing the waterlines, by opening the dams, by constructing or closing draining or watering channels, waterlines or other works,

constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 159
Destruction of water-supply system
(Amended by law no. 10 023, dated 27.11.2008, article 17)

Connecting, or any other intervention into the water supply system conducted without prior permission, in order to get drinking water, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Intentionally destroying the water-supply system is punishable by up to five years of imprisonment.

Article 160
Destruction of works of culture

Intentionally destroying or damaging works of culture is punishable by a fine or up to three years of imprisonment.

When the criminal act has resulted into the destruction or damaging of works of culture of national importance, it is punishable by a fine or up to eight years of imprisonment.

Article 161
Destruction of property due to negligence

Destruction or damaging of property due to negligence, when serious material consequences have resulted, is punishable by a fine or up to three years of imprisonment.

Article 162
Collision of public transportation means

Colliding of trains, ships, airplanes, due to negligence, when crashing, burning, sinking, overturning, derailment, or serious material consequences accompanying the event have resulted, is punishable by a fine or up to five years of imprisonment.

SECTION IV
CRIMINAL ACTS COMMITTED IN COMMERCIAL COMPANIES

Article 163
Drafting false statements

Drafting false statements, about the increase of capital of a company, related to the distribution of shares of initial capital to the shareholders [or] its repayment or the deposit of funds, constitutes criminal contravention and is punishable by a fine.

Article 164
Abuse of powers

Abuse of powers by members of the executive board or by managers of the company with the intent of embezzlement or favoritism of another company where they have interests, is punishable by a fine or up to five years of imprisonment.

Article 164/a
Active corruption in the private sector
(Added by law no. 9275, dated 16.09.2004, article 13;
Amended by law no.23/2012, dated 01.03.2012, article 22;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

The direct or indirect promise, offer, or giving to a person, who exercises a management function in a commercial company or who works in any other position in the private sector, of any irregular benefit for himself or a third person, in order to act or not to act contrary to his duty, is punished with imprisonment of three months up to three years.

Article 164/b
Passive corruption in the private sector
(Added by law no. 9275, dated 16.09.2004, article 13;
Amended by law no.23/2012, dated 01.03.2012, article 22;
The part that provide Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Direct or indirect soliciting or taking of any irregular benefit or of any such promise, for himself or a third person, or accepting an offer or a promise that comes from the irregular benefit, of the person that exercises a managerial function or works in whatever position in the private sector, with the purpose to act or not to act contrary to his duty or function, is sentenced with imprisonment term of six months up to five years.\

Article 165
Falsifying signatures

Falsifying signatures and deposits, or false statement of deposits of the company's funds, or publication of signatures and deposits of fictitious people, or assessing the

contribution in kind to a bigger value than the factual one, is punishable by a fine or up to five years of imprisonment.

Article 166
Irregular issue of shares

Issuing shares irregularly before registration of the company, or when registration is made illegally, or when the formalities of the company have not yet been completed, or when the statute of the company after its increase of capital has not been changed or has not been registered or has been drafted unlawfully, constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

Article 167
Unfairly holding two capacities at the same time

Simultaneously holding the capacities of shareholder and certified accountant constitutes criminal misdemeanor and is punishable by a fine or up to six months of imprisonment.

Article 168
Giving false information

Giving false information on the situation of a company by the certified accountant of a commercial company, or failure to report to the competent agency on commission of a crime, when cases of exclusion from criminal liability provided in Article 300 of this Code do not exist, is punishable by a fine or up to five years of imprisonment.

Article 169
Disclosure of secrets of a company

Disclosure of secrets of a company by the certified accountant of the company, except in the case when he is compelled to do so by law, constitutes a criminal misdemeanor and is punishable by a fine or up to two years of imprisonment.

Article 170
Failure to write-down mandatory notes

Failure of the administrator or liquidator of the company to write-down mandatory notes constitutes criminal misdemeanor and is punishable by a fine.

Article 170/a

Illegal employment

(Added by law no.8279, dated 15.01.1998, article 2;
Amended by law no.8733, dated 24.01.2001, article 47)

Employment without registration with the competent authorities or without guaranteeing employee's insurance according to regulations, when an administrative measure has been rendered first, constitutes criminal misdemeanor and is punishable with a fine up to 10 000 ALL for each case, or with imprisonment of up to one year.

Deliberate omission or camouflage of the infringements connected with the employment or the social insurance by persons charged with the enforcement and control of the relevant provisions, constitutes a criminal misdemeanor and is punished with a fine of up to 100 000. ALL, or imprisonment of up to two years.

Article 170/b

Illegal competition through violence

(Added by law no.9275, dated 16.09.2004, article 14;
Paragraph I is changed by law no. 9686, dated 26.02.2007, article 12)

The performance, during the exercise of commercial activity, of actions of competition through threat or violence, is punished with imprisonment from one to four years.

When the acts of competition are directed towards activities financed fully or partly or in any way by the state or from the public entities, the sentence of imprisonment is added with one third.

SECTION IV/1

CRIMINAL OFFENCES RELATED TO THE CONDUCT OF BANKING AND FINANCIAL ACTIVITY

(Added up by law no.23/2012, dated 01.03.2012, Article 25)

Article 170/c

Conducting Banking Activity without a License

(Added up by law no.23/2012, dated 01.03.2012, Article 25)

The conduct of banking activity by a person who has not been licensed for this purpose under the banking legislation in force, shall be punished by a fine or imprisonment of up to three years.

Where that offence has caused serious consequences to state interests or those of citizens, it shall be punished by a fine or imprisonment of up to seven years.

Article 170/ç

Conducting Financial Activity without a License

(Added up by law no.23/2012, dated 01.03.2012, Article 25)

The conduct of one or several financial activities other than banking activity, by persons who are not licensed for this purpose under the banking and/or financial legislation in force, shall be punished by a fine or imprisonment of up to three years.

Where that offence has caused serious consequences to state interests or those of citizens, it shall be punished by a fine or imprisonment of up to five years.

SECTION V
CRIMES IN THE FIELD OF CUSTOMS

Article 171
Smuggling of prohibited goods

Illegal import, export or transit of prohibited goods entering or leaving the Republic of Albania, committed through any means or ways, is sentenced up to ten years of imprisonment.

Article 172
Smuggling of goods to which excise duties apply

Importing, exporting or transiting of goods to which excise duty is applied, by passing them through places out of the custom areas, their partial or total concealment, inaccurate declaration to customs, false declaration of the kind, sort, quality, price, destination of goods or other forms aimed at avoiding custom duties, are punishable by a fine or up to seven years of imprisonment.

Article 173
Smuggling of goods requiring license

Importing, exporting or transiting goods which require a license from the competent authority by passing them through places out of the customs area, their partial or total concealment, inaccurate declaration to the customs, false declaration of the kind, sort, quality, price, destination of goods or other forms aimed at avoiding custom duties, are punishable by a fine or up to five years of imprisonment.

Article 174
Smuggling of other goods

Importing, exporting or transiting goods by passing them through places out of the customs area, their partial or total concealment, inaccurate declaration to the customs, false

declaration of the kind, sort, quality, price, destination of goods or other forms aimed at avoiding custom duties, are punishable by a fine or up to five years of imprisonment.

Article 175
Smuggling committed by custom officials
(Amended by Law 8733, date 24.1.2001, Article 48)

Smuggling carried out by custom officials, or by other employees having a working relationship with the activity of customs, even when in collaboration with other persons, is punishable by three to ten years of imprisonment.

Article 176
Smuggling of goods with cultural value

Importing, exporting or transiting [goods with] national cultural value carried out against the legal provisions related to them is sentenced up to ten years of imprisonment.

Article 177
Smuggling of goods holding intermediate status

Importing, exporting or transiting goods which are declared as having an intermediate status with the intent of avoiding the custom duties is punishable by a fine or up to five years of imprisonment.

Article 178
Trading and transportation of smuggled goods
(Amended by Law 8733 date 24.1.2001, Article 49)

Trading, alienation or transportation of goods, which are known to be smuggled, as well as any help given to persons engaged in those activities, is punishable by a fine or up to three years of imprisonment.

Article 179
Storing smuggled goods

Storing, accumulating, keeping or processing goods, which are known to be smuggled, is punishable by a fine or up to three years of imprisonment.

Article 179/a
The non-declaration of money and of valuable objects
(Added up by Law 9086, date 19.6.2003, article 6)

The non- declaration, in entrance or exit of the territory of the Republic of Albania of amounts of money, of any type of bank check, of metals or precious stones, as well as of other valuable objects, beyond the value provided by law, constitutes penal contravention and is punished by fine or imprisonment up to two years.

SECTION VI
CRIMINAL ACTS RELATED TO TAXATION AND TARIFFS

Article 180
Concealment of income

(Amended by law no.144, dated 02.05.2013, Article 36)

Concealment or avoiding payment of taxes by not submitting documents or not declaring the necessary data envisaged by the effective legislation, by submitting forged documents, statements or false information in order to have personal material gains, for one's self or for others, by miscalculating the amount of taxes, fees or contribution, shall constitute a criminal offence and shall be punishable by a fine or up to three years of imprisonment".

When this offence is committed with the intention of concealing or avoiding payment of a tax above five million ALL, it shall be punishable by two to five years of imprisonment.

When this offence is done with the intention of concealing or avoiding payment of a tax above eight million ALL, it shall be punishable by four to eight years of imprisonment.

Article 181
Failure to pay taxes and tariffs

Failure to pay taxes and tariffs within the time required by law, although having the possibility of being paid by the person against whom administrative sanctions were previously taken for the same reason, is punishable by a fine or up to three years of imprisonment.

Article 181/a
Non completion of duties from tax authorities

(Added up by Law 8279, date 15.1.1998, Article 2)

Non completion of the duties related with collecting of the taxes and tariffs within the defined legal term by the employees of the tax bodies and other official persons assigned with these duties, when it is done because of their fault and has brought a damage to the state with a value of less than one million ALL, is punished by fine of up to two million ALL;

When the value is higher than one million ALL, it is punishable by three to up to ten years imprisonment.

Article 182
Modification of measurement devices

Modification or any other intervention in measurement devices and counters, or utilizing altered measurement devices and counters, or allowing the use by others of irregular measurement devices and counters, with the intent of avoiding the full payment of taxes and tariffs, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 182/a
Destruction of seals used to block or suspend a commercial activity
(Added up by law no.144/2013, dated 02.05.2013, Article 37)

Deliberate destruction of visible signs placed by the tax administration to block or suspend the commercial activity, or the exercise of a commercial activity, after the notification of the decision of the tax administration for its blocking or suspension, shall constitute a criminal contravention and shall be punishable by fine or imprisonment up to one year.

SECTION VII
FALSIFYING CURRENCY OR MONEY ORDERS (BOND PAPER)

Article 183
Money counterfeiting
(Added up by Law 8733, dated 24.1.2001, Article 50)

Forging or putting in circulation counterfeit money is punishable by imprisonment up to five years.

This very act, when committed with accomplices, more than once, or when it brought about serious consequences, is punished by imprisonment from five to fifteen years.

Article 184
Forging valued papers/vouchers
(Added up by Law 8733, dated 24.1.2001, article 51)

Forging and putting in use checks, bills of exchange, credit cards, traveler's checks, or other valued papers, is punished by imprisonment up to five years.

This very act, when committed with accomplices, more than once, or when it brought about serious consequences, is punished by imprisonment from three to ten years.

Article 185
Producing instruments for forgery
(Added up by Law 8733, dated 24.1.2001, Article 52)

Manufacturing or keeping equipment for falsifying currency, checks, bills of exchange, credit cards, traveler's checks or other financial documents, is punishable by a fine or from one to three years of imprisonment.

This very act, when committed with accomplices, more than once, or when it brought about serious consequences, is punished by imprisonment from three to ten years.

SECTION VIII
FALSIFICATION OF DOCUMENTS

Article 186
Falsification of Documents

(Amended by Law no. 9188, dated 12.02.2004, Article 4;the part that provides fine as main punishment in addition to imprisonment is abrogated by law no.144,dated 02.05.2013, Article 48)

The falsification or use of falsified documents is punishable with imprisonment of up to three years.

When this crime is committed in collaboration or more than once or when it has brought serious consequences, it is punishable with imprisonment of from six months to four years.

When the falsification is done by a person who has the duty of issuing the document, it is punished with imprisonment of from one year to seven years.

Article 186/a
Computer falsification
(Added up by Law 10 023, date 27.11.2008, Article 18)

Entering, modifying, deleting or omitting computer data, unlawfully, in order to create false data aiming to submit and use them as authentic, despite of whether the created data are directly readable or understandable, are punishable by imprisonment from six months to six years.

When this very act is committed by the person whose task is to safeguard and administrate computer data, with accomplices, more than once, or has brought about serious consequence to the public interest, is punishable by imprisonment from three up to ten years.

Article 187
Falsification of school documents

Falsifying or use of falsified school documents is punishable by a fine or up to three years of imprisonment.

When the person having the duty to issue the document makes the falsification, it is punishable by a fine or up to five years of imprisonment.

Article 188
Falsification of health-related documents

Falsifying or use of falsified health-related documents is punishable by a fine or up to three years of imprisonment.

When the person having the duty to issue the document makes the falsification, it is punishable by a fine or up to five years of imprisonment.

Article 189
Falsification of Identity Documents, Passports or Visas

(Amended by Law no. 9188, dated 12.02.2004, Article 5;the part that provides fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, Article 48)

The falsification or use of falsified identity documents, passports or visas is punishable with imprisonment of from six months to four years.

When this crime is committed in collaboration or more than once or has brought serious consequences, it is punished with imprisonment of from six months to five years. When the falsification is done by a person who has the duty of issuing the identity document, passport or visa, it is punishable with imprisonment of from three to seven years.

Article 190
Falsification of Seals, Stamps or Forms

(Amended by Law no. 9188, dated 12.02.2004, Article 6; added by Law 9275, dated 16.09.2004, Article 15; abrogated by Decision of the Constitutional Court no. 47, dated 26.07.2012, the part that provides fine as main punishment)

The falsification or use of falsified seals, stamps or forms, or the presentation of false circumstances in the latter that are directed to state organs, is punishable with imprisonment of from six months to four years.

When this crime is committed in collaboration or more than once or has brought serious consequences, it is punishable with imprisonment of from six months to five years.

When the falsification is done by a person who has the duty of compiling them, it is punishable with imprisonment of from three to seven years.

Article 191

Falsification of Civil Status Documents

(Amended by Law no. 9188, dated 12.02.2004, Article 7; abrogated by Decision of the Constitutional Court no. 47, dated 26.07.2012, the part that provides fine as main punishment)

The falsification or use of falsified civil status documents is punishable with imprisonment of from three months to two years. ~~and with a fine of from 500 000 to one million ALL.~~

When this crime is committed in collaboration or more than once or has brought serious consequences, it is punishable with imprisonment of from six months to four years.

When the falsification is done by a person who has the duty of issuing the document, it is punished with imprisonment of from one to five years. ~~and with a fine of from one million to three million ALL.~~

Article 192

Production of devices for falsification of documents

Production of, or conserving, devices to falsify documents constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 192/a

Disappearance and theft of documents

(Added up by Law no.8733, dated 24.01.2001, Article 53)

Illegal eliminating, in any way, of archive or library documents, and, disappearing and stealing documents of a particular importance, in contradiction with legal requirements, is punishable by a fine or imprisonment up to three years.

Stealing archive or library documents that are particularly important or their illegal exportation is punishable by a fine or imprisonment up to five years.

Article 192/b

Unauthorized computer interference

(Added up by Law no. 8733, dated 24.01.2001, Article 53; amended by Law no. 10 023, dated 27.11.2008, Article 19)

Unauthorized access or access in excess of the authorization to access a computer system or in a part thereof, through violation of the security measures, is punishable by fine or imprisonment up to three years.

When this very act is committed in military, national security, public order, civil protection, health computer systems or any other computer system of public importance, it is punishable by imprisonment from three up to ten years.

SECTION IX
CRIMINAL ACTS IN THE AREA OF BANKRUPTCY

Article 193
Provoked bankruptcy

Intentionally provoking of bankruptcy by a legal person is punishable by a fine or up to three years of imprisonment.

Article 194
Concealment of bankruptcy status

Entering of a legal person into an economic commercial relationship with a third party with the intent of concealing bankruptcy status is punishable by a fine or up to five years of imprisonment.

Article 195
Concealment of assets after bankruptcy

Concealment of assets by a legal person upon the act of bankruptcy with the intent of avoiding its consequences is punishable by a fine or up to seven years of imprisonment.

Article 196
Failure to comply with obligations

Failure of a legal person to comply with its obligations arising under bankruptcy constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

SECTION X
UNLAWFUL LOTTERIES AND GAMBLING

Article 197
Organizing unlawful lotteries

Organizing lotteries or gambling in breach of legal provisions constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

Article 197/a

Predetermining results in sports contests

(Added up by Law no. 10 023, dated 27.11.2008, Article 20; the part that provides fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, Article 48)

Actions or omissions for predetermining results in national and international sports contests, contrary to fair play principles, constitute criminal contravention~~. and are punishable by imprisonment of from three months up to two years~~

This very offence, when committed for property gains, is punishable by imprisonment from two to seven years.

Article 197/b

Distortion of competition in sports contests

*(Added up by Law no. 10 023, dated 27.11.2008, Article 20***)**

Distortion of competition in sports contests by participants, through use of prohibited substances constitutes criminal contravention and is punishable by fine or imprisonment up to two years.

Article 198

Providing the premises for unlawful gambling

Providing the premises for organizing or playing a lottery or gambling in breach of the legal provisions constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

SECTION XI

~~CRIMINAL ACTS WHICH VIOLATE THE LEGAL STATUS OF LAND~~

~~C~~CRIMINAL OFFENCES IMPACTING THE LEGAL REGIME OF LAND ~~AND CONSTRUCTIONS~~

Article 199

Misuse of land

Misuse of land in violation of its designated purpose constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

Article 199/a

~~Unlawful construction~~

~~(Added by Law no. 10 023, dated 27.11.2008, Article 21)~~

~~Unlawful construction of an building in one s land is punishable by fine or imprisonment of up to one year.~~

~~This very offence, committed in public or state owned land or in another person's land is punishable with imprisonment from one to five years.~~

Illegal construction

The construction carried out without permission or in serious violation of the permit or under the conditions of a revoked permit on one's own land shall be sentenced to imprisonment of up to one year

This very offence, when committed on public or state owned land or on another person's land, shall be sentenced to imprisonment from one up to five years.

~~This very offence, where bringing about severe consequences or committed for profit purposes, shall be sentenced to imprisonment from three to eight years.~~

~~Article 199 / b~~

~~Providing assistance to unlawful construction~~

~~Whoever offers and carries out services of entrepreneurship, supervising, execution of works on an unlawful construction shall be sentenced to imprisonment up to three years.~~

Article 200

Occupation of land

Unlawfully taking land constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

CHAPTER IV
CRIMINAL ACTS AGAINST ENVIRONMENT

Article 201

Air pollution

Polluting the air through the emission of smoke, gasses and other toxic radioactive substances, when it increases the normal limit allowed, and when the act does not constitute administrative contravention, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

The same act, when it has caused serious consequences to the life and health of people, is sentenced up to ten years of imprisonment.

Article 202

Transportation of toxic waste

Transporting toxic and radioactive waste transit into the Albanian territory or their depositing therein is punishable by one to five years of imprisonment.

The same act, when it has caused serious consequences to the life and health of people, is punishable by five to fifteen years of imprisonment.

Article 203
Pollution of waters

Polluting the waters of the seas, rivers, lakes or the springs of the water supply system with waste either toxic or radioactive or other substances, which break the ecological balance, is sentenced up to five years of imprisonment.

The same act, when has caused serious consequences to the life and health of people, is punishable by five to ten years of imprisonment.

Article 204
Prohibited fishing

Fishing undertaken at a prohibited time, place or method constitutes criminal contravention and is punishable by a fine or to up three months of imprisonment.

Fishing undertaken through means of public danger like explosives, poisonous substances, etc, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 205
Unlawful cutting of forests

Cutting or damaging forests without authorization or when it is undertaken at a prohibited time or place, when the act does not constitute administrative contravention, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

Article 206
Cutting of decoration and fruit trees

Cutting decoration trees and damaging gardens and parks in the cities constitutes criminal contravention and is punishable by a fine.

Cutting trees in fruit or olive plantations and vineyards, after [the application] for cutting permit has been previously refused by the competent authority, constitutes criminal contravention and is sentenced up to three months of imprisonment.

Article 206/a

Destruction of forests and forest environment by fire

(Added up by Law no.10 023, dated 27.11.2008, Article 22; in the first, second, and third paragraphs the wording has been changed by law no.144, dated 02.05.2013, Article 38)

Intentionally destroying or damaging, causing serious material consequence, the forest stock, nursery – plot, forest reserve or any other unit similar to them, through fire, is punishable by imprisonment from five to ten years.

This very same act, committed aiming to change the category and destination of land is punishable by imprisonment from five to fifteen years.

The same act, when it has caused serious consequence to the property, health or life of people or causes serious damage over an extended period of time on the environment or protected areas, is punishable by imprisonment from ten to twenty years.

Article 206/b

Destruction due to negligence of forests and forest environment by fire

(Added up by Law no.10 023, dated 27.11.2008, Article 22; in the first, second, and third paragraphs the wording has been changed by law no.144, dated 02.05.2013, Article 39)

Destroying or damaging from negligence, with serious material consequence, of the forest stock, nursery – plot, forest reserve or any other unit similar to them, by fire, is punishable by imprisonment from two to five years.

This very act, when it brought about serious consequence to the property, health or life of people or when it causes serious damage over an extended period of time on the environment or protected areas, is punishable by imprisonment from three to eight years.

Article 207

Breach of quarantine for plants and animals

Breach of rules of quarantine for plants or animals, when it has led to serious consequences which are either material or which bring serious danger to the life and health of people, constitutes criminal contravention and is punishable by a fine.

CHAPTER V
CRIMES AGAINST INDEPENDENCE AND CONSTITUTIONAL ORDER

SECTION I
CRIMES AGAINST INDEPENDENCE AND INTEGRITY

Article 208
The surrendering of territory
(Amended by Law no. 8733, dated 24.01.2001, Article 79)

Total or partial transfer of territory to foreign state or power, with the intent of violating the independence and integrity of the country, is punishable by no less than fifteen years of imprisonment or to life imprisonment.

Article 209
The surrendering of the army
(Amended by Law no. 8733, dated 24.01.2001, Article 79)

Total or partial surrendering of the army or handing over defense materials or supplying weapons and ammunition to a foreign state or power, with the intent of violating the independence and integrity of the country, is punishable by no less than fifteen years of imprisonment or to life imprisonment.

Article 210
Agreement on the surrendering of territory

Agreement with foreign powers or states for the total or partial transferring of territory or handing over of the army and defense materials, with the intent of violating the integrity of the country, is punishable by five to ten years of imprisonment.

Article 211
Provocation of war

Committing acts with the intent to provoke a war or make the Republic of Albania face the danger of an [military] intervention by foreign powers, is punishable by no less than fifteen years of imprisonment.

Article 212
Agreement for armed intervention

Agreements entered into with foreign powers or states to cause armed intervention against the territory of the Republic of Albania, is punishable by ten to fifteen years of imprisonment.

Article 213
Disclose of classified information

Handing over classified information of military or other character to a foreign power with the intent of encroaching the independence of the country, is punishable by ten to twenty years of imprisonment.

Article 214
Providing information

Providing classified information of military or other character, with the intention to hand over to foreign power in order to encroach the independence of the country, is punishable by three to ten years of imprisonment.

Article 215
Damaging of defense objects

Destroying or damaging means, equipment, appliances, weapons, military technique or objects for military defense, with the intent of reducing the country's defensive capacity, is punishable by five to fifteen years of imprisonment.

Article 216
Providing means for destroying military technique

Production or keeping means for destroying or damaging equipment, appliances, weapons, means of military technique or objects for military defense, with the intent of reducing the country's defense capacity, is sentenced up to ten years of imprisonment.

Article 217
Receiving of bonuses

Getting paid or the agreement to get paid or to receive other material benefits, in order to commit in favor of foreign states or powers one of the crimes provided for in this section, is punishable by five to ten years of imprisonment.

Article 218
Placing oneself in the service of foreign states

Placing an Albanian citizen in the service of a foreign state or power, with the intent of committing acts against the independence and integrity of the Republic of Albania, is punishable by three to ten years of imprisonment.

SECTION II

CRIMES AGAINST CONSTITUTIONAL ORDER

Article 219
Assassination

(Amended by Law no. 8733, dated 24.01.2001, Article 79)

Assassination, kidnapping, torturing or other acts of violence [committed] against the highest representatives of the state, with the intent of overturning constitutional order, is punishable by no less than fifteen years of imprisonment or to life imprisonment.

Article 220
Conspiracy

Decision-making and creating material conditions by a group of people to commit an assassination is punishable by five to fifteen years of imprisonment.

Article 221
Rioting

(Paragraph II is amended by Law no.8733, dated 24.01.2001, Article 79)

Participating in violent massive actions such as placing obstacles and barricades to stop the police, resisting them with arms or disarming them, forcibly occupying buildings, looting, gathering or placing under [one's] disposal weapons, ammunition and people, facilitating the rioters, committed with the intent of overturning constitutional order, is punishable by fifteen to twenty five years of imprisonment.

Participation in the above-mentioned activities with the capacity of a leader or an organizer is punishable by life imprisonment.

Article 222
Calls to take up arms or take the command unlawfully

Calls for taking up arms against constitutional order, creating or organizing the armed forces in violation to the law, unlawful taking-over of the command of the armed forces in order to conduct military actions with the intent of opposing constitutional order, are punishable by five to ten years of imprisonment.

Article 223
Public calls for violence

Public calls to commit violent acts against the constitutional order, are punishable by a fine or up to three years of imprisonment.

Article 224
Founding unconstitutional parties or associations

Founding of or participating in parties, organizations or associations which intend to violently overturn the constitutional order is punishable by a fine or up to three years of imprisonment.

Re-founding a party, organization or association that was previously banned as unconstitutional or the continuation of their activity in an open or covert way is punishable by one to five years of imprisonment.

Article 225
Distribution of unconstitutional writings

Distribution of writings or use of symbols belonging to an unconstitutional party, organization or associations or to one previously banned on the same grounds, is punishable by a fine or up to three years of imprisonment.

Distributing or infiltrating materials, writings or symbols into the Republic of Albania from abroad, with the intent to overturn the constitutional order or affect the territorial integrity of the country, is punishable by a fine or up to three years of imprisonment.

CHAPTER VI
CRIMES ENCROACHING RELATIONS WITH OTHER STATES

Article 226
Violent Acts against Internationally Protected Persons

(Amended by Law no. 23/2012, dated 01.03.2012, Article 24)

Committing violent acts against Internationally Protected Persons is sentenced up to ten years of imprisonment.

Article 227
Insulting representatives of foreign countries

(Repealed by law no.23/2012, dated 01.03.2012, Article 57)

~~Insulting prime ministers, cabinet members, parliamentarians of foreign states, diplomatic representatives, or [representatives] of recognized international bodies who are officially in the Republic of Albania, is sentenced up to a fine or up to three years of imprisonment.~~

Article 228
Violent acts against working-places of International Protected Persons

(Repealed by law no.23/2012, dated 01.03.2012, Article 26)

Committing violent acts against work-places, residences, means of transportation of international protected persons constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When the act has resulted in serious material consequences or in complications in the bilateral relations, it is sentenced up to ten years of imprisonment.

Article 229
Insulting acts against the anthem and flag

(Repealed by law no.23/2012, dated 01.03.2012, Article 57)

~~Using words or committing acts which publicly insult the flag, emblem, anthem of foreign states and recognized international bodies, as well as taking away, breaking, irreparably damaging the flag, [or] emblem, which are displayed in official institutions, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.~~

CHAPTER VII
ACTS OF TERRORIST INTENTION

(The title amended by law no.9686, dated 26.02.2007, Article 14)

Article 230
Acts of terrorist intention

(Amended by law no.9686, dated 26.02.2007, Article 15;
Amended by Law no. 23/2012, dated 01.03.2012, Article 27)

Commission of the following acts, with the intent to spread panic among the population, or compel the state bodies, Albanian or foreign, to perform or not perform a certain act, or seriously destroy or destabilize substantial political, constitutional, economic or social structures of the Albanian state, another state, international institution or organisation, shall be punishable by imprisonment of no less than fifteen years, or life imprisonment.

Offences for terrorist purposes shall include:

a) offences against a person, which can cause death or grave injury;

b) hijacking of aircraft, vessel, other means of transport, or fixed platforms, or unlawful exercise of control over them, by force or threat to use force, or any other forms of threat;

c) commission of acts of violence against a person on board of an aircraft in flight, aboard a ship or on board a fixed platform, where those acts might jeopardize the safety of aircraft, ship, or fixed platform;

ç) destruction of an aircraft in operation, ship or a fixed platform, or causing such damage to aircraft, vessel or its cargo, or fixed platform, which render impossible or endanger or might endanger the safety of flight, navigation or fixed platform;

d) planting, by any means, in an aircraft in service, ship or fixed platform, a device or substance that could destroy the aircraft, ship or fixed platform, or cause damage to aircraft, vessel or its cargo, or fixed platform, and which endangers or might endanger the safety of flight, cruise ship or fixed platform;

dh) destruction of or damage to flight hardware or marine navigational equipment or interference with their operation, where such an act could endanger the safety of aircraft or vessel;

e) dissemination of information that is known to be untrue, thereby risking the safety of an aircraft in flight or sailing ship;

ë) murdering or kidnapping an internationally protected person, under Article 9 of this Code, or any other attack against him/her or his/her freedom;

f) a violent attack against the office, private apartment or means of transport of an internationally protected person, under Article 9 of this Code, where this attack endangers his/her person or freedom;

g) taking hostage or kidnapping a person and threatening to kill, injure or continue holding him hostage;

gj) receipt, possession, use, transfer, disposal, disposition or proliferation of nuclear material, intentionally and without being legally authorised, that causes or could cause death or serious injury to any person, or serious damage to property;

h) theft, misappropriation or benefit through nuclear materials fraud;

i) soliciting nuclear materials using coercion, violence or any other form of threat;

j) manufacture, possession, purchase, transportation or marketing of explosives, firearms, biological, chemical or nuclear weapons, and research for the production of mass destruction weapons;

k) committing acts of violence, using any device, substance or weapon, against a person in an international civil aviation airport, where those acts cause or might cause serious injuries, or death of persons;

l) destruction of or serious damage to facilities or equipment in an international civil aviation airport or plane located at the airport that is not in flight, or disruption of airport services, using any device or weapon, where that act endangers or could endanger the security of the airport;

ll) proliferation, placement, discharge or setting off of explosives or other lethal ordnance in public places, offices of a state or government, public transportation system or public infrastructure, and distribution in the environment of hazardous substances causing fires, floods, explosions, for purposes of causing death or serious bodily harm or massive destruction of the above-mentioned locations, facilities or systems, where that disaster could result in major economic loss;

m) heavy and large scale destruction of public property, public infrastructure, transportation system, information system and private property, endangering the lives of people;

n) causing interruption of supply with water, electricity or any other important utilities;

or any other acts intended to cause death or serious injury to civilians or any other person who is not taking an active part in hostilities in a situation of armed conflict, committed for the purposes set out in the first paragraph of this Article.

Actions that cause the disruption of an important service, system, public or private activity, as a result of protests, civil disobedience, or strike, shall not be considered offences for terrorist purposes under the meaning of this Article.".

Article 230/a

Financing of terrorism

(Added up by Law no. 9086, dated 19.06.2003, Article 7; amended by law no.23/2012, dated 01.03.2012, Article 28; the part that provided for punishment by fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, Article 48)

Provision or collection of funds, by any means, directly or indirectly, with the intent to use them or knowing that they will be used, in whole or in part:

a) to commit offences for terrorist purposes;

b) by a terrorist organisation;

c) by a single terrorist;

shall be punished by not less than fifteen years of imprisonment or life imprisonment.

The provisions of this Article shall apply:

a) to all funds, including assets of any kind, tangible or intangible, movable or immovable, irrespective of the manner of their acquisition, and legal documents or instruments of any kind, even in electronic or digital form, that demonstrate rights to or interests over such assets, including bank loans, traveller's cheques, bank cheques, money orders, shares, securities, bonds, bank guaranteed cheques, credit cards, and any other financial instrument, similar to them;

b) regardless of whether the person who commits one of the offences enlisted in the first paragraph of this Article, is located in the same country or another country where the terrorist organisation or single terrorist is located, or the country where the offence with terrorist purposes has been committed or will be committed;

c) in the case provided for the first paragraph of this Article, regardless of whether the funds have actually been used to commit the offence or offences for which those funds were provided or collected, or whether a connection can be established between the funds and one or more of the specific offences with terrorist purposes.

Knowledge and intent, under the first paragraph of this Article, shall be derived from the objective factual circumstances".

Article 230/b

Concealing of funds and other property that finance terrorism

(Added up by Law no. 9275, dated 16.09.2004, Article 16; the part that provides for even the punishment by fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, Article 48)

The transfer the conversion, the concealing, the movement or the change of property of the funds and of other goods, which are put under measures against terrorism financing, in order to avoid the discovery and their location, is sentenced with imprisonment from four to twelve years.

When this crime is committed during the exercise of a professional activity in cooperation or more than one time, it is sentenced to imprisonment from seven to fifteen years and with a fine from one to eight million ALL, whereas when it causes serious consequences, it is sentenced with imprisonment for no less than fifteen years.

Article 230/c

Disclosure of information by persons who perform public functions or persons exercising a duty or profession

(Added up by Law no. 9275, dated 16.09.2004, Article 16; the part that provides for even the punishment by fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, Article 48)

Getting acquainted identified persons or of other persons with data regarding the verification or the investigation of funds and other goods towards which are applied measures against terrorism financing, from persons exercising public functions or in exercise of their duty or profession, is sentenced with imprisonment from five to ten years.

Article 230/ç

Performance of services and actions with declared persons

(Added up by Law no. 9275, dated 16.09.2004, Article 16; the part that provides for even the punishment by fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, Article 48)

Issuing of funds and of other assets, the performance of financial services as well as of other transactions with identified persons towards whom are applied measures against terrorism financing is sentenced with imprisonment from four to ten years.

Article 230/d

Collection of funds for financing terrorism

(Added up by Law no. 9686, dated 26.02.2007, Article 16; abrogated by law no.23/2012, dated 01.03.2012, Article 57)

~~The collection of financial means of any kind, directly or indirectly, to finance organizations or committal of acts of terrorist purposes, is sentenced with imprisonment from four to twelve years.~~

Article 231
Recruitment of persons for committing acts with terrorist intentions or financing of terrorism
(Amended by Law no. 9686, dated 26.02.2007, Article 17)

Recruitment of one or more persons for committing acts with terrorist purposes or financing of terrorism, even when these acts are aimed at another country, international organization or institution, if it does not constitute another criminal act, is punishable by no less than ten years of imprisonment.

Article 232
Training to commit acts of terrorist intentions
(Amended by Law no. 9686, dated 26.02.2007, Article 18)

Preparation, training and giving any form of instruction even in anonymous manner or in electronic form, for producing or using explosive substances, military weapons and ammunition, other weapons and chemical, bacteriologic, nuclear or any other substance, dangerous and hazardous to people and property, as well as techniques and methodologies for committing acts with terrorist purposes and participation in such activities, even when these acts aim at another country, international organizations or institutions, if they don't constitute another criminal act, are punishable with no less than seven years of imprisonment.

Article 232/a
Incitement, public calls and propaganda for committing acts with terrorist intentions
(Added up by Law no. 9686, dated 26.02.2007, Article 19)

Incitement, public call, distribution of pieces of writing or propaganda in other forms, with the aim of supporting or committing one or more acts for terrorist purposes and financing of terrorism, if they do not constitute other criminal act, are punishable by imprisonment from four up to ten years.

Article 232/b
Threating to commit acts of terrorist intentions
(Added up by Law no. 9686, dated 26.02.2007, Article 19)

Serious threat for committing acts with terrorist purposes to a public authority, even of another country, international organization or institution, is punishable by imprisonment from eight up to fifteen years.

Article 233
Creating armed crowds

Creating armed crowds to oppose public order through violent acts against the life, health, personal freedom of the individual, property, with the intent of instilling fear and uncertainty in the public, is sentenced up to ten years of imprisonment.

Article 234
Manufacturing military weapons

Manufacturing, storing, transporting of military, chemical, biological, nuclear weapons which have a poisonous or explosive base, with the intent of committing acts of terrorism, is punishable by five to fifteen years of imprisonment.

Article 234/a
Terrorist organizations
(Added up by Law no. 9275, dated 16.09.2004, Article 17)

The establishment, organization, the leading and financing of the terrorist organizations is sentenced with imprisonment of no less than fifteen years.

The participation in terrorist organizations is sentenced to imprisonment from seven to fifteen years.

Article 234/b
Armed gangs
(Added up by Law no. 9275, dated 16.09.2004, Article 17)

The establishment, organization, the leading and financing of the armed gangs is sentenced with imprisonment from ten to fifteen years.

The participation in armed gangs is sentenced to imprisonment from five to ten years.

CHAPTER VIII
CRIMES AGAINST THE STATE AUTHORITY

SECTION I
CRIMINAL ACTS AGAINST STATE ACTIVITY COMMITTED BY [ALBANIAN] CITIZENS

Article 235

Opposing the public official that carries out a state duty or provides a public service

(Paragraph II amended by Law no. 8733, dated 24.01.2001, Article 54)

Opposing an official on state duty or public service, with the intent of hindering his fulfillment of his duty or service in compliance with law, constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

This very act, when committed in collaboration, or by wielding physical violence, or more than once, is punishable by a fine or imprisonment up to five years.

Article 236

Opposing the official of the public order police

(Paragraph II amended by Law no. 8733, dated 24.01.2001, Article 55);
Paragraph II amended by Law no. 9686, dated 26.02.2007, Article 20)

Opposing the official of the public order police with the intent of hindering his fulfillment of duty in compliance with law, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When the same act is committed in collaboration or through physical violence, or more than once, it is punishable up to seven years of imprisonment.

Article 237

Assault because of duty

Assault or other violent acts committed against an official acting in the execution of a state duty or public service, because of his state activity or service, are punishable by a fine or up to three years of imprisonment.

Article 238

Intimidation because of duty

Serious threat of assassination or critical injury against an official acting in the execution of a state duty or public service, because of his state activity or service, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 239

Insulting because of duty

(Amended by Law no. 8733, dated 24.01.2001, Article 56;
Abrogated by law no.23/2012, dated 01.03.2012, Article 57)

~~Insulting intentionally an official acting in the execution of a state duty or public service, because of his state activity or service, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.~~

~~This very act, when committed in public, or harming some persons, or more than once, constitutes a penal contravention and is punished by a fine or imprisonment up to two years.~~

Article 240

Defamation because of duty

(Paragraph II amended by Law no. 8733, dated 24.01.2001, Article 57);
Abrogated by law no.23/2012, dated 01.03.2012, Article 57)

~~Intentional defamation committed toward an official acting in the execution of a state duty or public service, because of his state activity or service, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.~~

~~This very act, when committed in public, or harming some persons, or more than once, is punished by a fine or imprisonment up to two years.~~

Article 241

Defamation towards the President of the Republic

(Abrogated by law no.23/2012, dated 01.03.2012, Article 57)

~~Intentional defamation committed toward the President of the Republic is punishable by a fine or up to three years of imprisonment.~~

Article 242

Disobeying orders of the public order police employee

Disobeying the lawful orders of the public order police employee constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

Article 243

Assaulting family members of a person exercising a state duty

Assault or other violent acts committed toward the family member of a person acting in the exercise of his state duty or public service, with the intent of preventing the fulfillment of the duty or service, or which is related to this activity, is punishable by a fine or up to five years of imprisonment.

Article 244

Active corruption of persons exercising public functions

(Amended by Law no. 9275, dated 16.09.2004, Article 18; the part that provides for even the punishment by a fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, Article 48)

Promising, ~~The~~ direct or indirect proposal, offer, or giving, to a person, who exercises public functions, of any irregular benefit for himself or a third person in order to act or not act in relation to his duty, is punished by imprisonment from six months up to three years.

Article 244/a

Active Corruption of Foreign Public Official

(Added up by law no.23/2012, dated 01.03.2012, Article 29; the part that provides for even the punishment by a fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, Article 48)

Promising, proposing or giving, directly or indirectly, any kind of improper benefit for oneself or other persons, to a foreign public official, employee of a public international organisation, member of a foreign public assembly or member of an international parliamentary assembly, to undertake or not undertake an action, that relates to his or her office, shall be punished by imprisonment of six months to three years.

Article 245

Active corruption of the high state officials and local elected representatives

(Amended by Law no. 9275, dated 16.09.2004, Article 19; the part that provides for even the punishment by a fine as main punishment in addition to imprisonment is abrogated by law no.144,dated 02.05.2013, Article 48)

Promising, ~~The~~ direct or indirect proposal, offer, or giving, to high state officials or to a locally elected person, of any irregular benefit for himself or a third person in order to act or not act in relation to his duty, is punished by imprisonment from one up to five years.

Article 245/1

Exercising unlawful influence on public officials

(Added up by Law no. 9275, dated 16.09.2004, Article 20; Amended by law no.23/2012, dated 01.03.2012, Article 30; the part that provides for even the punishment by a fine as main punishment in addition to imprisonment is abrogated by law no.144,dated 02.05.2013, Article 48)

The direct or indirect promise, proposal, offer, of any irregular benefit, for himself or a third person, to the person who promises and guarantees that he is able to exercise illegal influence on the accomplishment of the duties and on taking of decisions by the Albanian or foreign public functionaries, no matter whether the influence has been actually exercised or not and no matter whether the desirable consequences have occurred or not, is punishable with imprisonment from six months up to three years.

The direct or indirect soliciting, receiving, or accepting whatever irregular benefit for oneself or other persons, by promising and confirming the ability to exercise illegal influence

on the accomplishment of the duties and on adoption of decisions by the Albanian or foreign public functionaries, no matter whether the influence has been actually exercised or not and no matter whether the desirable consequences have occurred or not, is punishable with imprisonment from six months up to four years.

Article 245/2
The exemption from suffering the sentence
(Added up by Law no. 9275, dated 16.09.2004, Article 20;
Abrogated by law no.144, dated 02.05.2013, Article 48)

~~The person, who has promised or given reward or other benefits, in accordance with Articles 164/1, 244, 245, 312, 319 and 328 of this Code, may benefit from exemption from the sentence or the reduction of it in compliance provision of Article 28 of this Code, if they do denunciation and give a contribution in the criminal proceeding of these crimes.~~

~~In giving this decision the court considers the time when the denunciation is done, the occurrence or not of the consequences of the crime.~~

Article 246
Appropriating a public title or office

Appropriating a public title or office accompanied with the actions pertinent to the holder of the title or office, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

If the act is committed for embezzlement purposes or has encroached the freedom, dignity or other fundamental rights of the citizen, it is punishable by a fine or up to five years of imprisonment.

Article 246/a
Practicing the profession of the Accounting Expert and Auditing Company without Being Registered
(Added up by law no.23/2012, dated 01.03.2013, Article 31)

Acquisition of the professional title of certified public accountant, practicing the profession of certified public accountant or using labels such as auditing company, without being previously registered in a public registry of auditors, and using any kind of title, which aims to create a similarity or confusion with these professional titles or designations, when an administrative measure has already been imposed, shall constitute a criminal offence and is punishable by a fine or imprisonment of up to two years.".

Article 247
Wearing a uniform unlawfully

Unlawfully wearing a uniform, holding a document or a distinctive sign, which shows the capacity of an official exercising a state duty or public service, accompanied with illegal acts, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

If the act is committed for embezzlement purposes or it has encroached the freedom, dignity or other fundamental rights of the citizen, it is punishable by a fine or up to five years of imprisonment.

SECTION II
CRIMINAL ACTS AGAINST THE ACTIVITY OF THE STATE COMMITTED BY STATE OR PUBLIC OFFICIALS

Article 248
Abuse of office

(Amended by Law no. 9275, dated 16.09.2004, Article 21;
Amended by Law no. 9686, dated 26.02.2007, Article 21;
The part that provides for even the punishment by a fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, Article 48)

Deliberate accomplishment or non-accomplishment of actions or failures to act, in violation to the law and constituting the failure of a person, who carries out public functions, to do his duties regularly, in cases when it has led to bringing him or other persons unjust material or non-material benefits or when it has brought damages to the legitimate interests of the state, citizens, and other legal entities, when it does not constitute another criminal offence, is punishable with imprisonment up to seven years.

Article 248/a
Granting Pensions or Other Income from Social Insurance Contrary to the Law

(Added by law no.23/2012, dated 01.03.20012, Article 32;
The part that provides for even the punishment by a fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, Article 48)

Granting of pensions in contradiction with the law on pensions, or other income from social insurance, by an employee who has a duty to grant them, is punishable by imprisonment of from six months to seven years.

Article 249
Performing a function after its termination

The continuation of the performance of the state or public service function by a person who has been informed of a decision or circumstance terminating the exercise of this function constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

Article 250
Committing arbitrary actions

Commitment of arbitrary actions or arbitrary order-giving, by an official performing a state or public service function while exercising his duty, which affect the freedom of citizens, is punishable by a fine or imprisonment of up to seven years.

Article 251
Failure to take measures to sever illegality

Failure of a person in charge of a state or public service function to take measures, who becomes aware of the illegality due to the function or service, or failure to request a competent person to sever illegality resulting from an arbitrary action that has affected the freedom of citizens, is punishable by a fine or up to three years of imprisonment.

Article 252
Detention in custody in absence of a decision

Detention in custody without a decision of the competent body or beyond the term determined in the decision or by law, by a person charged with the task of prison administrator, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 253
Violating equality of the citizens
(Words added up by law no.144, dated 02.05.2013, Article 40)

Discrimination by a worker holding a state function or public service conducted because of his capacity or during its exercise, when the discrimination is based upon origin, sex, sexual orientation or gender identity, health situation, religious or political beliefs, trade-union activity or because of belonging to a particular ethnic group, nation, race or religion, which consists in creating unfair privileges or in refusing a right or benefit deriving from law, is punishable by a fine or up to five years of imprisonment.

Article 254
Infringing the inviolability of residence

Entering into premises without the consent of a person living therein, committed by a person holding a state function or public service during the exercise of his duty, except the cases when it is permitted by law, is punishable by a fine or up to five years of imprisonment.

Article 255
Obstruction and violation of the secrecy of correspondence

Giving orders or committing actions for destroying, reading and disseminating postal correspondence, or which breaks, makes it more difficult, puts under control or eavesdrops phone correspondence or any other means of communication, committed by a person holding a state function or public service during the exercise of his duty, except the cases when it is permitted by law, is punishable by a fine or up to three years of imprisonment.

Article 256
Abuse of contributions given by the state

Misusing contributions, subsidies or financing given by the state or state institutions to be used in works and activities of public interest, is punishable by a fine or up to three years of imprisonment.

Article 257
Illegal benefit of interests

Direct or indirect holding, retaining or benefiting from any sort of interest by a person holding state functions or public service in an enterprise or operation in which, at the time of conducting the act, he was holding the capacity of supervisor, administrator or liquidator, is punishable by a fine or up to four years of imprisonment.

Article 257/a
Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration.

(Added up by Law no. 9030, dated 13.03.2003, Article 1;
Second paragraph amended by Law no. 9686, dated 26.02.2007, Article 22;
Amended by law no.23/2012, dated 01.03.2012, Article 33;
Amended by Law no. 98, dated 31.07.2014, Article 3)

~~Refusal for declaration or non-declaration of assets of the elected persons or of the public servants or of any other person who has a legal duty to make a disclosure in accordance with the law, when previously administrative measures have been taken,~~

~~constitutes a criminal contravention and is punished by fine or imprisonment up to six months.~~

The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months imprisonment.

Hiding or false declaration of assets, private interests, by the elected persons or of the public employees is punishable by fine or imprisonment up to three years.

Article 258

Breaching the equality of participants in public bids or auctions

(Amended by law no.23/2012, dated 01.03.2012, Article 34)

Commitment of actions in breach of the laws which regulate the freedom of participants and the equality of citizens in bids and public auctions, by a person holding state functions or public service in order to create illegal advantage or benefits for third parties, is punishable by imprisonment of up to three years.

Article 259

Passive corruption by ~~public officials~~persons that exercise public functions

(Amended by Law no. 9275, dated 16.09.2004, Article 22;
The part that provides even the punishment by fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, Article 48)

Soliciting or taking, directly or indirectly, by a person who exercises public functions, of any irregular benefit or of any such promise for himself or for a third person, or accepting an offer or promise deriving from an irregular benefit, in order to act or not act in the exercise of his duty, is punishable by imprisonment of from two up to eight years.

Article 259/a

Passive Corruption of Foreign Public Officials

(Added up by law no.23/2012, dated 01.03.2012, Article 35;
The part that provides even the punishment by fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, Article 48)

Soliciting or receiving, directly or indirectly, any improper benefits or such a promise, for oneself or others, or acceptance of an offer or promise arising from an improper benefit, from a foreign public official, employee of a public international organisation, member of a foreign public assembly, or member of an international parliamentary assembly, to perform or not perform an act that relates to his/her function, is punishable by imprisonment of from two to eight years.

Article 260

Passive corruption by high state officials or local elected officials

(Amended by Law no. 9275, dated 16.09.2004, Article 23;
The part that provides for even the punishment by a fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, Article 48)

Soliciting or taking, directly or indirectly, by a high state official or a local elected official, of any irregular benefit or of any such promise for himself or for a third person, or accepting an offer or promise deriving from an irregular benefit, in order to act or not act in the exercise of his duty, is punishable by imprisonment of from four up to twelve years.

SECTION III
CRIMINAL ACTS AGAINST PUBLIC ORDER AND SECURITY

Article 261

Impeding the exercise of the right of expression, assembling or protest

Committing acts that impede citizens from exercising the right of expression, assembling or protest constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

When those acts are accompanied with use of physical violence, they are punishable by a fine or up to three years of imprisonment.

Article 262

Organizing or participating in illegal manifestations

(Paragraph III is added by law no.8733, dated 24.01.2001, article 59)

Organizing the assembly of people in squares and places of public passage, without prior permission by the competent authority according to the specific provisions or when organizers breach the conditions provided in the request for permission, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

Participating in an unlawful assembly even after the dispersal warning has been given, constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

This very act, when committed more than once, or when it brought about serious consequences, does constitute a criminal contravention and is punishable by a fine or imprisonment of up to two years.

Article 263

Organization of unlawful gatherings and manifestations with the participation of armed people

Organizing unlawful assembly with the participation of armed people is punishable by a fine or up to three years of imprisonment.

Participation of armed people in unlawful assembly constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

Article 264
Obligation to participate or not-to participate in a strike

Obligation of an employee against his will to participate or not to participate in a strike or creation of obstacles and problems for the continuation of his employment when the employee wishes to do so, constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

Article 265
Incitement of hatred or disputes
(Amended by law no.144, dated 02.05.2013, Article 41)

Inciting hate or disputes on the grounds of race, ethnicity, religion or sexual orientation, as well as intentional preparation, dissemination or preservation for purposes of distributing writings with such content, by any means or forms, shall be punishable by imprisonment of from two to ten years of

Article 265/a
Involvement in military operations in a foreign state
(Added up by Law no. 98, dated31.07.2014)

Involvement in military formations, military or paramilitary organisations in an armed conflict taking place in the territory of a foreign state or participation at any type of training conducted by these structures, without being a citizen of the foreign country, without being a member of the armed forces of one of the parties in conflict or official military missions of the armed forces of a state that is not a party in the conflict, official military missions of an international organisation, is punishable to imprisonment of from three to eight years.

This criminal offence is committed to overthrow the constitutional order or to infringe the territorial integrity of a foreign state shall be sentenced to imprisonment form five to ten years.

Article 265/b
Organising the involvement in military operations in a foreign state
(Added up by Law no. 98, dated 31.07.2014)

Incitement, recruitment, organisation, leading, training, making available equipment, establishment or the use of funds or other means for financing, material support to the persons, in any form or fashion, to commit the criminal offence provided for in Article 265/a shall be sentenced to imprisonment from eight to fifteen years.

Article 265/c
Call for involvement in violent military operations in a foreign state
(Added by Law no. 98, dated 31.07.2014)

The public call in whatever form, means or fashion to commit the criminal offence provided for in Article 265/a or 265/b shall be sentenced to imprisonment up to three years.

Article 266
Calls for national hatred
(Words added up by Law no.144, dated 02.05.2013, Article 42)

Endangering public peace by calling for national hatred against other parts of the population, by insulting or defaming them, or by requesting the use of force or arbitrary actions against them, is punishable by imprisonment of from two to eight years.

Article 267
Dissemination of false information to cause panic

Spreading false information or news, in words, in writing, or in any other manner, in order to incite a state of insecurity or panic in people, is punishable by a fine or up to five years of imprisonment.

Article 268
Humiliation of the Republic and its symbols
(Amended by law no.23/2012, dated 01.03.2012, Article 36)

Intentional damage to the flag or emblem of the Republic, exhibited in public institutions, shall constitute a criminal offence and is punishable by a fine or imprisonment of up to three months.

Public humiliation of the flag or national anthem, during an activity organised by state authorities, shall constitute a criminal offence and is punishable by a fine or imprisonment of up to three months."

Article 269
Obstruction by use of force of the activity of political parties

Forcible obstruction of the lawful activity of political parties, organizations or associations constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 270
Prisoner's rebellion

Use of force by prisoners against an official holding a state duty or public service, which is made in order to prevent the exercise of the duty or service or because of the activity, is punishable by a fine or up to five years of imprisonment.

When use of force is conducted by a group of persons or is accompanied with riots and disorders or threats and intimidation, it is punishable by a fine or up to ten years of imprisonment.

Article 271
Disinformation of emergency units

Intentionally providing false information to emergency units to hinder their effectiveness, committed by any means of information or communication, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

Article 272
Providing false information to police

Providing false information to police about the commission of a criminal offence, with the intention of placing them into a state of readiness or alarm, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

Article 273
Leaving the scene of an accident

Leaving the scene of an accident by a driver of a vehicle or of any other motorized means of transport, in order to avoid criminal, civil or administrative liability, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

Article 274
Disturbing public peace

Throwing stones or other items into the premises of a citizen, creating disturbing loud noises such as gunshots or other blasts, illegal use of horns, or any other indecent behavior in streets, squares and public places, which clearly disturb the peace and moral or show

open disregard for environmental issues, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 275
Malevolence use of phone calls

Malevolence use of telephone calls made to disturb another's peace constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

Article 276
Unlawful use of the Red Cross emblem

Unlawful use of the emblem of the Red Cross or the Red Crescent, when it has caused serious material consequences, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

When the criminal offence has led to death or serious harm to the health of an individual, it is punishable by a fine or up to ten years of imprisonment.

Article 277
Vigilantism

The exercise of a right by a person who retains the right or he thinks he retains the right which is not recognized by the other person without addressing to the competent State body, constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

Article 278
Manufacture and illegal possession of firearms and ammunition

(Paragraph I and II added up by Law no. 8279, dated 15.01.1998, Article 2;
Paragraph I, II and III amended, and paragraph IV added up by Law no. 8733, dated 24.01.2001, Article 60;
Amended by Law no. 144, dated 02.05.2013, Article 43;
Added up and amended by Law no. 98, dated 31.07.2014, Article 5)

Manufacturing of weapons and ammunition, explosives, bombs or mines without the permission of the competent State bodies is punishable by five to fifteen years of imprisonment.

Possession of ammunition without permit of the competent State bodies constitutes a criminal contravention and is punishable by fine or imprisonment up to two years.

~~Keeping arms, bombs or mines, or explosives in the dwelling place, without the permission of competent state authorities, shall be punishable by one to five years of imprisonment.~~

Carrying of weapons in one's home, without permit of the competent State bodies, is sentenced by imprisonment of from one to five years.

Keeping of bombs, mines or explosives in one's home without the permit of the competent State bodies, is punishable by imprisonment of from five to eight years.

Carrying of weapons, bombs, mines or explosives in vehicles or any other motorized means, in public places or places open to the public, without the permit of the competent State bodies, is punishable by imprisonment of from seven to fifteen years.

When the criminal offense involves large quantities, is committed in collaboration, more than once, or leads to serious consequences, is ~~punishable by ten to twenty years of imprisonment~~ sentenced to imprisonment of from fifteen to twenty years.

Article 278/a

Trafficking of weapons and ammunition

(Added up by Law no. 8733, dated 24.01.2001, Article 61;
Words added up by Law no.144, dated 02.05.2013, Article 44)

Importing, exporting, transiting and trading of military weapons and ammunition or their component parts in conflict with the law, with the purpose of material benefits, or any other benefits, is sentenced to imprisonment of from seven to fifteen years.

This very act, when committed in collaboration or more than once, or when it brought about serious consequences, is sentenced to imprisonment of from ten to twenty years.

Article 279

Illegal Manufacture, carrying, purchase or sale of cold weapons

(Amended by law no.144, dated 02.05.2013, Article 45)

Manufacture, possession, purchase or sale of cold weapons such as swords, bayonets, knives, and other means prepared and intended specifically for assaulting people or for self-defence, without the permit of the competent State bodies, is punishable by fine or imprisonment of up to three years.

Carrying, purchase or sale in vehicles or any other motorized means, in public places or places open to the public, of cold weapons such as swords, bayonets, knives and other means prepared and intended specifically for assaulting people or for self-defence, without the permit of the competent bodies, is punishable by three to eight years of imprisonment.

Article 280

Illegal manufacture and possession of hunting and sporting rifles

Manufacture, possession, purchase and sale of hunting or sporting rifles, as well as their ammunition, without the permit of the competent State bodies, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 281
Breach of rules on poisonous substances

Breach of defined rules to keep, manufacture, use, store, transport or sale of poisonous substances with strong effect, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

When the criminal offence has led to death, serious harm to the health of people or other serious material consequences, it is punishable by a fine or up to ten years of imprisonment.

Article 282
Breach of rules on explosive, flammable or radioactive substances
(Amended by Law no. 98, dated 31.07.2014, Article 6)

Breach of defined rules to keep, manufacture, use, store, transport and sale of explosives, flammable or radioactive substances, is ~~constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment~~ sentenced to imprisonment from one to five years.

When the criminal offence has led to death or has caused serious harm to the health of people or other serious material consequences, is ~~by a fine or up to ten years of imprisonment~~ sentenced to imprisonment from two up to ten years.

Article 282/a
Trafficking of explosive, flammable, poisonous and radioactive substances
(Added up by Law no. 8733, dated 24.01.2001, Article 62)

Import, export, transit and trade of explosive, flammable, poison and radioactive substances, with the purpose of material benefits or any other benefits, is sentenced to imprisonment of from seven to fifteen years.

This very act, when committed in complicity, or more than once, or has brought serious consequences, is sentenced by imprisonment from ten to twenty years.

Article 282/b
Training on unlawful manufacturing and use of weapons and other dangerous substances
(Added up by Law no. 9686, dated 26.02.2007, Article 23)

Preparation, training, providing instructions in any form, anonymously or electronically, in conflict with the law, for the production or use of explosives, firearms, and military ammunition, other weapons and biologic, bacteriologic, nuclear materials or of any other

kind, hazardous or dangerous to the people and property, when it does not constitute another criminal offence, is sentenced to imprisonment of from two to seven years.

Article 283
Production and sale of narcotics

Sale, offer for sale, giving or receiving of any form, distribution, trading, transport, sending, delivering, and keeping, besides cases when it is for personal use and in small doses, of narcotic and psychotropic substances and seeds of narcotic plants, in conflict with the law, is sentenced to imprisonment of from five to ten years.

This very offence, when committed in complicity, or more than once, is sentenced to imprisonment of from seven to fifteen years.

Organization, management or financing of this activity is sentenced to imprisonment from ten to twenty years.

Article 283/a
Trafficking of narcotics
(Added up by Law no. 8279, dated 15.01.1998, Article 2;
Amended by Law no. 8733, dated 24.01.2001. Article 64)

Import, export, transit and trade of narcotic and psychotropic substances and narcotic plant seeds in contradiction with the law is sentenced to imprisonment from seven to fifteen years.

This very act, when committed in complicity, or more than once, is sentenced to imprisonment from ten to twenty years.

Organization, running or financing of such activity is punishable by imprisonment of not less than fifteen years.

Article 283/b
Facilitation of drugs intake and use
(Added by Law no. 8733, dated 24.01.2001, Article 65)

Facilitation of the intake and use of narcotic or psychotropic substances in contradiction with the respective legal provisions by the persons who because of their duty administer such substances, is punishable by imprisonment from three to seven years.

Article 284
Cultivation of narcotic plants
(Paragraph I and III are amended,
Paragraph II is added up by Law no. 8733, dated 24.01.2001, Article 66)

Cultivation of plants that serve or are known to serve for the production and extraction of narcotic and psychotropic substances, without permission and authorization by law, is punishable by imprisonment from three to seven years.

The same act, when committed in complicity, or more than once, is punishable by imprisonment from five to ten years.

Organization, running or financing of this activity is punishable by imprisonment from seven to fifteen years.

Article 284/a

Organizing and leading criminal organizations

(Added by Law no. 8279, dated 15.01.1998, Article 2)

Organizing, leading and financing criminal organizations with the goal of cultivating, producing, fabricating or illegal trafficking of the narcotics is punishable by imprisonment of ten up to twenty years.

Creation of conditions or facilities for such activities by persons holding state functions is punishable by imprisonment from five to fifteen years.

Article 284/b

Supporting the disclosure of crimes

(Added by Law no. 8279, dated 15.01.1998, Article 2;
Abrogated by law no.144, dated 02.05.20013)

~~The arrested or sentenced person for one of the criminal crimes related to trafficking in the narcotics, weapons, clandestine, prostitution or with criminal crimes committed from criminal organizations, that cooperates and assists the criminal proceeding entities in the struggle against them, or as the case might be, in the finding of other persons that commit such crimes, cannot be sentenced more then half of the punishment provided for the offense committed by him. In specific cases, when there are concurring mitigating circumstances in his favor, this person can be excluded from the punishment.~~

Article 284/c

Production and manufacturing of narcotic and psychotropic substances

(Added by Law no. 8733, dated 24.01.2001, Article 67)

Production, manufacturing, extracting, refining, preparing without license or by surpassing the ingredient limits of narcotic and psychotropic substances, is punishable by imprisonment from five to ten years.

This very act, when committed in complicity, or more than once, is punishable by imprisonment from seven to fifteen years.

Organizing, running, or financing this activity is punishable by imprisonment from ten to twenty years.

Article 284/ç
Production, trade, and illegal use of precursors
(Added by Law no. 8733, dated 24.01.2001, Article 67)

Production, import, export, transit, trade and holding of precursors (that are included, based on the law, in the pertinent charts/tables) is punishable by imprisonment up to five years.

This very act, when committed in complicity, or more than once, is punishable by imprisonment from three to seven years.

Organizing, running, or financing this activity is punishable by imprisonment from five to fifteen years.

Article 285
Keeping, producing, and transporting chemical substances
(Amended by Law no. 8733, dated 24.01.2001, Article 68)

Production, keeping, transportation or distribution of basic or other kind of chemicals, equipment, materials, if it is known that they are used or will be used to illegally produce or traffic narcotic or psychotropic substances, is punishable by imprisonment from three to ten years.

Article 285/a
Adjusting of premises for drugs use
(Added by Law no. 8733, dated 24.01.2001, Article 69)

Adjusting or allowing the adaptation of premises, buildings, vehicles and any other public or private means in order to gather people; so that, they may use narcotic or psychotropic substances, is punishable by imprisonment up to five years.

Article 285/b
Throwing away or getting rid of syringes
(Added by Law no. 8733, dated 24.01.2001, Article 69)

Throwing away or leaving behind syringes used for narcotic and psychotropic substances, in public places or sites that are considered open for the public and in private premises, does constitute a criminal contravention and is punished by a fine or imprisonment up to one year.

Article 286

Inducing the use of drugs

(Amended by law no. 8733, dated 24.01. 2001, Article 70)

Urging/ other people to use narcotic and psychotropic substances or giving them for use or injecting them to other people without their knowledge or consent, is punished by imprisonment from five to ten years.

When the inducing or forced injection is conducted upon children or in penitentiary, educational, sport or any other institutions providing social activity, it is punishable not less than fifteen years of imprisonment.

Article 286/a

Illegal use of high technology

(Added by Law no. 8733, dated 24.01.2001, Article 71)

Production and running of telematics systems, equipment, and means of high technology, in cases of criminal acts provided for in the articles 283 until 286/a of this Code, or when this technology is used to facilitate or enable the consumption of narcotic or psychotropic substances, or broadcasting advertisements to promote their use, is punishable by imprisonment up to five years.

Article 287

Laundering the Proceeds of Criminal Offence or Criminal Activity

(Amended by law no. 9086, dated 19.06.2003, article 8; letter "dh" added by Law no. 9275, dated 16.09.2004, article 24; letter "a" point 1, amended; letter "ç" repealed by Law no. 9686, dated 26.02.2007, article 24; amended by Law no.23/2012, article 37; the part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Laundering of the proceeds of a criminal offence or criminal activity, through:

a) Exchange or transfer of property, for purposes of concealing or disguising its illicit origin, knowing that such property is a proceed of a criminal offence or activity;

b) Concealing or disguising the real nature, source, location, disposition, relocation, ownership or rights in relation to the property, knowing that such property is a proceed of a criminal offence or activity;

c) Obtaining ownership, possession or use of property, knowing at the time of its acquisition, that such property is a proceed of a criminal offence or activity;

ç) Conducting financial operations or fragmented transactions to avoid reporting, according to the legislation on the prevention of money laundering;

d) Investing money or items in economic or financial activities, knowing that they are proceeds of a criminal offence or activity;

dh) Advising, assisting, inciting or making a public call for the commission of any of the offences defined above;

-shall be punished by imprisonment of five to ten years.

Where that offence has been committed in the exercise of a professional activity, in complicity, or more than once, it shall be punished by imprisonment of seven to fifteen years.

Where that offence has caused grave consequences, it shall be punished by imprisonment of no less than fifteen years. The provisions of this Article shall apply where:

a) The criminal offence, the proceeds of which are laundered, has been committed by a person who cannot be prosecuted as a defendant or who cannot be punished;

b) Criminal prosecution for the offence the proceeds of which are laundered, has reached the statute of limitations or has been amnestied;

c) The person who performs laundering of the proceeds is the same person who committed the offence, from which the proceeds have derived;

ç) No criminal prosecution has been initiated, or no punishment has been imposed by a final criminal decision in relation to the criminal offence, from which the proceeds have derived;

d) The offence, the proceeds of which are laundered, has been committed by a person, regardless of his citizenship, outside of the territory of the Republic of Albania, and is also punishable both in the foreign country and Republic of Albania.

Knowledge and intent, under the first paragraph of this Article, shall be derived from objective factual circumstances".

Article 287/a

Opening of the anonymous accounts

(Amended by law no. 9086, dated 19.06.2003, article 9; the part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Opening of deposits or bank accounts, anonymously or in fictitious names, is punished by imprisonment of up to three years.

Article 287/b

Appropriation of Money or Goods Resulting from Criminal Offence or Criminal Activity

(Added by Law no. 9686, dated 26.02.2007, article 25; amended by law no.23/2012, dated 01.03.2012, article 38; the part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Whoever buys, receives, conceals or, in any way, appropriates for himself or a third party, or assists in purchasing, receiving, concealing or using money or other goods, knowing that another person has benefitted the money or goods as a result of committing a criminal offence or activity, shall be punished by imprisonment of six months to three years.

The first paragraph of this Article shall be applicable despite the legal prohibition to hold the person who has committed the criminal offence criminally liable, from which appropriation of money or other goods has resulted".

Article 288

Producing and selling food and other substances dangerous to the health

Producing, importing, storing or selling foods, drinks and other substances, or drugs which are dangerous or harmful to life or health, as well as introducing chemicals, materials or additive substances into the production and processing of food and drinks, when those acts led to death or serious harm to the health of an individual, is punishable by fine or up to ten years of imprisonment.

When the act has caused death or serious harm to the health of more than one person, it is punishable by no less than five years of imprisonment.

Article 288/a

Illegal production of industrial and food items/commodities

(Added by Law no. 8733, dated 24.01.2001, article 73)

Illegal production of industrial and food items/commodities constitutes a criminal contravention and is punishable by a fine or imprisonment up to two years.

This very act, when committed in complicity, or more than once, or when it brings about serious consequences, is punished by imprisonment from three to ten years.

Article 289

Breach of safety rules at work

Causing death or serious harm to the health of an individual because of disregard of rules related to work, production, service, provided for by laws, acts of the Council of the Ministers or in the pertinent regulations of technical safety, technical discipline, work-related protection, hygiene and fire safety by an individual designated \to respect those rules and to implement them, is punishable by a fine or up to ten years of imprisonment.

When the criminal act has caused death or serious harm to the health of more than one person, it is punishable by no less than five years of imprisonment.

Article 290

Violation of road traffic regulations

(Amended by law no.144, dated 02.05.2013, article 46)

Violation of road traffic regulations, when it causes minor injuries to more than one person, shall be punishable by a fine or up to one year of imprisonment.

Violation of road traffic regulations, when it causes the serious injury of a person shall be punishable by one to five years of imprisonment.
Violation of road traffic regulations, when it causes the death of a person shall be punishable by two to ten years of imprisonment
When the criminal offence causes the death or serious injury of more than one person, it shall be punishable by five to twenty years of imprisonment.

Article 291

~~**Illegal driving [irregular driving of vehicles]**~~

~~*(Amended by law no.144/2013)*~~

~~Driving vehicles or other motorized transportation vehicles while inebriated, under the effect of narcotics, or without a relevant driving ability certificate, shall be punishable by up to three years of imprisonment."~~

Driving vehicles inappropriately

(Amended by law no.144, dated 02.05.2013, article 47;
Amended by Law no.98, dated 31.07.2014, article 7)

Driving the vehicles or the other motor-driven means under the impact of the alcohol, under the impact of narcotics or in absence of the respective driving licence shall be sentenced to imprisonment from ten days up to three years.
The court may decide the replacement of the imprisonment sentence to the payment of an amount to the benefit of the state.

Article 292
Violation of working-standards in transportation

Violation of working-standards in railway, water, or air transportation by transport employees, which has caused death or serious harm to the health of an individual, is punishable by a fine or up to ten years of imprisonment.

When the criminal offence has caused death or serious injury to more than one person, it is punishable by no less than five years of imprisonment.

Article 293
Obstructing the movement of transport vehicles

Placing obstacles in the way of, or blocking by any means, the movement of any means of transportation, whether automobile, railway, water or air transport is punishable by a fine or up to three years of imprisonment.

Article 293/a

Unlawful wiring of computer data

(Added by Law no. 10023, dated 27.11.2008, article 23)

Unlawful wiring through technical equipment of non-public transmissions of the computer data from/or within a computer system including electromagnetic emissions from one computer system that contains such computer data is punishable by imprisonment from three to seven years.

When this very act is committed from/or within military, national security, public order, civil protection computer systems or in any other computer system of public importance, it is punishable by imprisonment from seven to fifteen years.

Article 293/b

Interference in computer data

(Added by Law no. 10023, dated 27.11.2008, article 23)

Unauthorized damaging, distorting, modifying, deleting or suppressing of computer data is punishable with imprisonment from six months to three years.

When this very act is committed on military, national security, public order, civil protection and healthcare computer data or on any other computer data of public importance, it is punishable by imprisonment from three to ten years.

Article 293/c

Interference in computer systems

(Added by Law no. 10023, dated 27.11.2008, article 23)

Creating serious and unauthorized obstacles in order to harm the operation of a computer system, through entering, damaging, distorting, modifying, deleting or suppressing the data is punishable by imprisonment from three to seven years.

When this very act is carried out in military, national security, public order, civil protection and healthcare computer systems or in any other computer system of public importance, it is punishable by imprisonment from five to fifteen years.

Article 293/ç

Misuse of equipment

(Added by Law no. 10023, dated 27.11.2008, article 23)

Manufacturing, keeping, giving for use, disseminating or any other action to place at disposal an equipment including a computer software, computer password, access code or another similar data that have been created or adjusted to access a computer system or a part thereof, aiming to commit a criminal offence envisaged by articles 192/b,

293/a, 293/b and 293/c of this Code is punishable by imprisonment from six months to five years.

Article 293/d

Unauthorised sale of SIM cards

(Added by Law no. 98, dated 31.07.2014, article 8)

The infringement of the rules set out for the distribution, sale and provision with products/SIM cards shall consist a criminal contravention and shall be punished to a term of thirty days up to six months of imprisonment.

SECTION IV
CRIMINAL ACTS AGAINST STATE SECRETS AND STATE BORDERS

Article 294
Disclosure of state secrets by a person entrusted with the information

Disclosure, dissemination and informing of facts, figures and contents of documents or materials which, according to a publicly known law, constitute state secrets, by the person entrusted with it or who became aware of such information because of his capacity, is punishable by a fine or up to five years of imprisonment.

When the same act is committed publicly, it is punishable by a fine or up to ten years of imprisonment.

Article 295
Disclosure of state secrets by citizens

Disclosure, dissemination and informing of facts, figures, and contents of documents or materials that, according to a publicly known law, constitute state secrets, by any person who becomes informed of them, is punishable by a fine or up to three years of imprisonment.

When the same act is committed publicly, it is punishable by a fine or up to five years of imprisonment.

Article 295/a
Disclosure of secret documents or data

(Added by Law no. 9686, dated 26.02.2007, article 26;
Amended by law no.23/2012, dated 01.03.2012, article 56)

Disclosing to third parties the data or assisting to disclose the data that the law provides for as secret, by a public official or a person in charge of a public service, contrary to the

regular exercise of duties or abusing with official capacities, is punishable by fine or imprisonment up to five years.

Disclosing to third parties of data, that constitute industrial or professional commercial secret, by public persons that have the duty to preserve them, is punishable by fine or imprisonment up to three years.

Disclosing of secret documents or data contained in secret documents by the prosecutor of the judicial police officer, as well as the failure to comply with the obligations defined in article 103 of the Criminal Procedure Code, is punishable by imprisonment from one up to five years.

Disclosing of secret documents or data contained in secret documents by other persons that have information about a criminal proceeding and are warned by the prosecutor or the judicial police officer on the obligation not to disclose information, is punishable by imprisonment up to three years.

Disclosing of secret data related to the identity, collaboration or protection process, or location of witnesses and justice collaborators, who benefit special protection according to legislation in force, is punishable by imprisonment from two to six years.

Disclosing of a secret that resulted in death, serious injury or serious danger to life and health of witnesses or justice collaborators, their family members or police officers in charge of their protection, is punishable by imprisonment from three up to eight years.

Article 295/b
Illicit Use of Trade Data

(Added by law no.23/2012, dated 01.03.2012, article 39)

Trading a product or providing a service through the use of information or data that constitute a trade secret or privileged information by persons who have or should have the information or data, shall be punished by a fine or imprisonment of up to four years".

Article 296
Loss of secret documents

Loss of documents or other materials, which, according to a publicly known law, constitute state secrets, by the person in charge of their protection and use, is punishable by a fine or up to three years of imprisonment.

Article 297
Illegal crossing of the state borders

(Added by Law no. 8279, dated 15.01.1998, article 2;
Amended by Law no. 9188, dated 12.02.2004, article 8)

Illegally crossing the state borders constitutes a criminal contravention and is punishable by a fine or up to two years of imprisonment ~~and~~.

Article 298
Assistance for illegal crossing of borders

(Amended by Law no. 9188, dated 12.02.2004, article 9;
The title and first paragraph amended by Law no. 9686, dated 26.02.2007, article 27;
Amended by law no.23/2012, dated 01.03.2012, article 56;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48/2013)

Sheltering, accompanying, putting at the disposition or use of means of sea transport, air transport or other means of transport, with the purpose of assisting in the illegal crossing of the borders of the Republic of Albania or in the illegal entrance of a person in another country without being its citizen or without residence permit for that country, is punished with imprisonment of from one to four years.

When the assistance is given for purposes of profit, it is punished with imprisonment of from three to seven years.

When this offence is committed in collaboration or more than once or has brought serious consequences, it is punished with imprisonment of from five to ten years.

When the offence has led to the death of the victim as a consequence, it is punishable with imprisonment of no less than fifteen years or with life imprisonment. When the criminal offence is committed through the utilization of a state function or public service, the punishment is increased by one fourth of the punishment given.

Article 299
B~~reach~~ of flight rules

Breach of international flight rules such as entering or leaving the territory of the Republic of Albania without a flight permit, ignoring flight lanes, landing places, flight corridors or designated flying altitude, is punishable by a fine or up to five years of imprisonment.

CHAPTER IX
CRIMINAL ACTS AGAINST JUSTICE

Article 300
Failure to report a crime

Failure to report, to the criminal prosecution bodies, to the court, to the public order bodies, [or to the appropriate] authorities or administration, a crime that is being committed or which has been committed, is punishable by a fine or up to three years of imprisonment.

Lineal ascendants and descendants, brothers and sisters, spouses, stepparents and stepchildren, as well as persons obliged to keep secrecy because of their capacity or profession, are excluded from the obligation to report.

Article 301
Obstruction of justice

Committing actions to change the crime scene by spoiling, changing or removing traces or by moving, hiding, annihilating, stealing, falsifying an item or document with the intent of increasing the difficulty on preventing the discovery of a criminal act and its perpetrator, is punishable by a fine or up to three years of imprisonment.

Article 302
Supporting the Perpetrator
(Paragraph II added by Law no. 9275, dated 16.09 2004, article 25;
Paragraph II added by Law no. 9686, dated 26.02.2007, article 28)

Supplying the perpetrator of a crime with food, other means of living, or providing him housing, lodging or with any other assistance with the intent of preventing his discovery from search, apprehension or arrest, is punishable by a fine or up to five years of imprisonment.

The same crime when committed in association to criminal crimes provided in articles 73, 74, 75, 79, 219, 220, 221, 230, 230/a, 230/b, 231, 232, 232/a, 234/a, 234/b, 284/a, 333, 333/a, of this Code, it is punishable with imprisonment for a term of from two to seven years.

Lineal ascendants and descendants, brothers and sisters, spouses, stepparents and stepchildren are excluded from criminal responsibility.

Article 303
Hiding or disposing of a corpse

Hiding or disposing of the corpse of a murder victim, or other violent acts, committed with the intent of assisting the perpetrator to evade from a search, apprehension and arrest, is punishable by a fine or up to five years of imprisonment.

Article 304
Obligation to report the evidence

Failing to appear promptly to report or testify before the prosecutor, court or public order bodies about the known evidence which exculpates an accused or convicted person from a criminal offence, is punishable by a fine or up to five years of imprisonment.

The perpetrator of the criminal act, as well as the individuals who become aware of the evidence because of their capacity and profession and due to this reason are compelled not to report or testify, are excluded from the obligation to report.

Article 305
False reporting

Falsely reporting a crime that has not been committed, or falsely reporting a person who is known that has not committed a crime, as well as fabricating false evidence with the intent of commencing criminal proceedings, is punishable by a fine or up to five years of imprisonment.

Article 305/a
False declarations before the prosecutor
(Added by Law no. 9686, dated 26.02.2007, article 29)

Whoever that, during investigations or criminal proceedings, is interrogated by a prosecutor to give appropriate information on the investigation, gives oral or written information knowing that this information is, completely or partially, false or hides facts or evidence is punishable by fine or imprisonment up to one year.

The provisions of this article are not applicable if the act was committed at any stage of the criminal proceedings by a suspect or defendant for the criminal offence or by a person that should have been exempted of the obligation to give information or testimony for any legal ground, or by a person that was not warned for the right not to testify or answer questions.

Article 305/b
False declarations before the judicial police officer
(Added by Law no. 9686, dated 26.02.2007, article 29)

Whoever that, during an investigation is interrogated by a judicial police officer to provide appropriate information, gives verbal or written information knowing that this information is completely or partially false, or hides facts or evidence, commits a criminal contravention which is punishable by fine or imprisonment of up to six months.

The provisions of this article are not applicable if the act was committed at any stage of the criminal proceedings by a suspect or defendant for the criminal act or by a person that should have been exempted by the obligation to give information or testimony for any legal ground, or who was not warned for the right not to testify or to answer questions.

Article 306

Perjury

(Paragraph I amended by Law no. 8733, dated 24.01. 2001, article 75;
Paragraph III added by Law no. 9275, dated 16.09.2004, article 26)
Paragraph III amended by Law no. 9686, dated 26.02.2007, article 30)

Perjury in front of the court constitutes a penal contravention punishable by a fine or imprisonment up to two years.

When the false testimony is given for purposes of profit or any other interest given or promised, it is punishable by a fine or up to three years of imprisonment.

When this offence is committed in relation to criminal offences provided by articles 234/a, 234/b, 284/a, 333, 333/a, of this Code, it is punishable with imprisonment for a term of two to six years.

Article 307
Refusing to testify

(Paragraph II amended, the last paragraph added by Law no. 9686, dated 26.02.2007, article 31)

Refusing to answer questions concerning knowledge of a criminal offence or its perpetrator, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When the refusal to testify is made for purposes of profit or any other interest given or promised, it is punishable by imprisonment from one up to four years.

The provisions of this article are not applicable if the act was committed at any stage of the criminal proceedings by a suspect or defendant for the criminal act or by a person that should have been exempted by the obligation to give information or testimony for any legal ground, or by a person that was not warned for the right not to testify or to answer questions.

Article 308
False translation

Intentional distortion of the content of a document or writing offered for translation by the criminal prosecution bodies or by the court, or false translation committed in front of them constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

When the false translation is made for purposes of profit or any other interest given or promised, it is punishable by a fine or up to three years of imprisonment.

Article 309
False expertise

Intentional provision of false results of reports conducted by an expert, in writing or verbally before criminal prosecution body or before the court is punishable by a fine or up to three years of imprisonment.

When false expertise is provided for purposes of profit or any other interest given or promised, it is punishable by a fine or up to five years of imprisonment.

Article 310
Failure to appear as a witness, expert or translator

Failure to appear as a witness, expert or translator, without reasonable cause, or refusal to carry out duties assigned by the criminal prosecution body or the court, constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

Article 311
Intimidation not to report
(Amended by Law no. 9686, dated 26.02.2007, article 32;
Amended by law no.23/2012, dated 01.03.20012, article 56)

Intimidation of the person aggrieved by the criminal offence, with the intention to make him not denounce, complain or to withdraw the lawsuit or complaint filed, is punishable by imprisonment from one up to four years.

Article 312
Active corruption of the witness, expert or interpreter
(Amended by Law no. 9275, dated 16.09.2004, article 27;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Direct or indirect proposal, offer, or giving to a witness, expert or translator any irregular benefit for himself or a third party in order to secure false declarations or testimony, expertise or translation or to reject carrying out their obligation to the criminal prosecution bodies and the court is punished with a prison term of up to four years.

Article 312/a
Intimidation to issue false statements, testimonies, expertise or interpretation
(Added by Law no.9275, dated 16.09.2004, article 28;
Amended by Law no.9686, dated 26.02.2007, article 33)

Intimidation or other violent acts to a person to secure false declarations or testimony, expertise or translation or to reject carrying out their obligation to the criminal prosecution bodies and the court is punished with a prison term of one up to four years.

Article 313
Unlawful commencement of prosecution

Unlawful commencement of prosecution by the prosecutor against a person who is known to be innocent is punishable by a fine or up to five years of imprisonment.

Article 313/a
Disappearance or loss of files
(Added by Law no. 8733, dated 24.01.2001, article 77)

Disappearance or loss of any kind of investigation files and court case files, or removing parts of documents, or other data attached to them, when they brought about serious consequences at the detriment of citizens or the state, is punishable by a fine or imprisonment up to five years.

Article 313/b
Prohibition on providing and publishing data contrary to the law
(Added by Law no. 9275, dated 16.09.2004, article 29;
Amended by law no.23/2012, dated 01.03.2012, article 56)

1. Making public, in media as well, information of a classified and confidential nature, contrary to law, endangering the life, physical integration or the liberty of persons protected by law no. 9205 dated 15.03.2004 “On Protection of witnesses and justice collaborators”, is punishable with a fine or with imprisonment of up to two years and, when from the commitment of this offence have come serious consequences to their health, it is punishable with an imprisonment term of six months up to three years.

2. When this offence is committed by one of the persons who are entitled to protect the classified and confidential character of the information, it is punishable with fine or imprisonment for a term of up to three years and, when from the commitment of this offence have come serious consequences to their health, it is punishable with an imprisonment term of two to five years.

3. When the offence has caused the death as a consequence, it is punishable with imprisonment from three to ten years.

Article 314
Use of violence during investigation

Use of violence by the person in charge of an investigation to force a citizen to make a statement, give testimony or confess his guilt or someone else’s guilt, is punishable by three to ten years of imprisonment.

Article 315

Unfair sentencing

(Repealed by decision of the Constitutional Court no.11, dated -2.04.2008)

~~Giving a conclusive court sentence that is known to be unfair is punishable by three to ten years of imprisonment.~~

Article 316

Opposing and assaulting a judge

Violently opposing, assaulting or committing other violent acts against a judge or other members of the judicial panel, a prosecutor, defense lawyer, experts, any arbitrator assigned to a case, with the intent to prevent him from carrying out his duty or because of it, is punishable by a fine or up to seven years of imprisonment.

Article 317

Threat to a judge

A threat to a judge, other members of a judicial panel, prosecutor, defense lawyer, experts, or every arbitrator assigned to a case because of their activity, is punishable by a fine or up to three years of imprisonment.

Article 318

Insulting a Judge

(Amended by law no.23/2012, dated 01.03.2012, article 40)

Insulting a judge or members of a judicial panel, prosecutor, defense lawyer or member of the arbitration, because of their activity in a case, constitutes criminal offence and is punishable by a fine or imprisonment of up to three months."

Article 319

Active corruption of judges, prosecutors and other justice officials

(Amended by Law no. 9275, dated 16.09.2004, article 30; the part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Direct or indirect promising, proposal or offering of any irregular profit, for oneself or a third party, to a judge, prosecutor or any other employee of the judicial bodies in order to perform or omitting to perform an action relating to their duty, is punishable with a prison term of one to four years.

Article 319/a

Active Corruption of a Judge or Official of International Courts

(Added by law no.23/2012, dated 01.03.2012, article 42;

The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Promising, proposing or offering, directly or indirectly, any kind of improper benefit for oneself or other persons, to a judge or official of international courts, for performing or omitting to perform an action relating to his/her duty or function is punishable by imprisonment of one to four years..

Article 319/b

Active Corruption of a Domestic and Foreign Arbitrator

(Added by law no.23/2012, dated 01.03.2012, article 42;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Promising, proposing or giving, directly or indirectly, any kind of improper benefit for oneself or other persons, to a foreign or domestic arbiter, for performing or omitting to perform an action that relates to his/her duty, is punishable by imprisonment of one to four years.

Article 319/c

Active Corruption of Members of the Foreign Courts Juries

(Added by law no.23/2012, dated 01.03.2012, article 42;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article48)

Promising, proposing or giving, directly or indirectly, any kind of improper benefit for oneself or other persons, to members of foreign courts juries, for performing or omitting to perform an action that relates to their duties, shall be punished by imprisonment of one to four years.

Article 319/ç

Passive corruption of the judges, prosecutors and other justice officials

(Added by Law no. 9275, dated 16.09.2004, article 31;
Numbered by Law no. 23/2012, dated 01.03.2012, article 41;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Direct or indirect solicitation or reception of any irregular benefit or any such offer for oneself or a third person, by a judge, prosecutor, or other employees of the judicial bodies, or acceptation of an offer or promise deriving from an irregular benefit by the judge, prosecutor or other officials of the judicial bodies for performing or omitting to perform an

action relating to their duty or function is punishable with a prison term of three up to ten years.

Article 319/d
Passive Corruption of a Judge or Official of International Courts

(Added by Law no. 23/2012, dated 01.03.2012, article 43;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Soliciting or receiving, directly or indirectly, of any kind of improper benefit or promise for oneself or other persons, or acceptance of an offer or promise of an improper benefit, by a judge or official of an international court, for performing or omitting to perform an action relating to his/her duty or function, is punishable by imprisonment of three to ten years.

Article 319/dh
Passive Corruption of a Domestic and Foreign Arbitrator

(The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Solicitation or receiving, directly or indirectly, of any kind of improper benefit or promise, for oneself or other persons, or acceptance of an offer or promise deriving from an improper benefit, by a domestic or foreign arbitrator for performing or omitting to perform an action related to his/her duty or function, is punishable by imprisonment of two to eight years.

Article 319/e
Passive Corruption of Members of the Foreign Court Juries

(Added by Law no. 23/2012, dated 01.03.2012, article 43;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Solicitation or receiving, directly or indirectly, of any kind of improper benefit or promise, for oneself or other persons, or acceptance of an offer or promise deriving from an improper benefit, by a member of foreign court juries, for performing or omitting to perform an action related to his/her duty or function, is punishable by imprisonment of two to eight years.

Article 320
Preventing the enforcement of court decisions

Hiding, altering, using, damaging or destroying the possessions which have been the subject of a court decision, or carrying out other acts with the intent to not execute or impede

the enforcement of the court's decision, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Article 320/a
The failure to execute the court decision without grounded reasons
(Added by Law no.8733, dated 24.01.2001, article78)

The failure to execute the criminal or civil decision of the court, with no grounded reasons, by the employee charged with the execution of the decisions, constitutes a criminal contravention and is punishable by a fine or imprisonment up to two years.

When this act is committed in order to obtain/solicit benefits or any other interests, given or promised, and when it favors persons that are interested not to see the decision being executed, it is punishable by a fine or imprisonment up to three years.

Article 321
Acts contrary to the decisions of the court
(The paragraph added by Law no. 23/2012, dated 01.03.2012, article 44)

Committing acts contrary to a court decision, in connection with duties arising from protection orders issued by it, shall constitute a criminal offence and is punishable by imprisonment of up to two years.

Article 322
Destruction of seals and signs

Intentional destruction of seals and other signs placed on different objects by the criminal prosecution and judicial bodies constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

Article 323
Escape of the prisoner from the place of detention

Escape of a person under arrest, custody, or of a person sentenced to imprisonment from the place of (mandatory) detention or during his transportation from one place to the other, is sentenced up to five years of imprisonment.

When the criminal offence is committed violently or through the use of firearms, inflammable material, explosives or poisonous material, it is punishable by five to fifteen years of imprisonment.

Article 324
Assisting a prisoner to escape

Providing advice, information, or equipment to a detainee, arrested or imprisoned person, with the intention of assisting him to escape from the place of mandatory detention, is punishable by a fine or up to three years of imprisonment.

When the assistance is given by a person in charge of guarding, supervising or transporting, or who, because of his capacity has the right to enter in penitentiary institutions or make contacts with detainees, arrested or imprisoned persons, it is punishable by five to ten years of imprisonment.

CHAPTER X
CRIMINAL ACTS AFFECTING FREE ELECTIONS AND THE DEMOCRATIC SYSTEM OF ELECTIONS

Article 325
Obstructing Electoral Subjects

(Amended by law no.23/2012, dated 01.03.2012, article 45)

Obstruction by means of threat, violence, or any other means, of electoral subjects or candidates to conduct their activities in accordance with the law during the election campaign, is punishable by imprisonment of three months to three years".

Article 326
Falsification of Election Material and Election Results

(Amended by law no.23/2012, dated 01.03.2012, article 46;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Counterfeiting, distributing or using voting ballots, election documents and material, for purposes of changing the election result, by presenting in them data which are known to be inaccurate, replacing accurate data with inaccurate data, or through unlawful ballot casting in the box, is punishable by imprisonment of one to five years.

Where that offence has been committed by persons who have a duty to administer the electoral process, or has caused serious consequences in the voting process, has adversely affected the integrity of election result, and caused them to be invalid, is punishable by imprisonment of three to seven years.

Article 326/a
Intentional Damaging of Electoral Material

(Added by Law by law no.23/2012, dated 01.03.2012, article 47;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Intentional damaging, deteriorating, destroying, or replacing contrary to the law equipment, seals, security codes or any other election material as provided for by law, is punishable by imprisonment of six months to five years.

Where those offences have been committed by persons responsible for electoral administration, or in complicity, or more than once, or where those offences have caused serious consequences in the elections progress, and caused them to be invalid or adversely affected voting result, they are punishable by imprisonment of three to eight years.

Article 327

Violating voting secrecy

(Amended by law no.23/2012, dated 01.03.2012, article 48)

Violation of rules that guarantee the voting secrecy by persons in charge of elections, constitutes criminal contravention and is punishable by imprisonment of three months to two years.”.

Article 327/a

Voting More Than Once or without Being Identified

(Added by law no.23/2012, dated 01.03.2012, article 49)

Voting more than once in the same elections, voting for other persons, presenting false identification documents, or using documents of other voters is punishable by imprisonment of one to three years.

Intentional allowing by election commissioners of the commission of that offence is punishable by imprisonment of one to five years.

Intentional allowing by election commissioners of voting without identifying the citizens in compliance with the law, is punishable by imprisonment of three months to one year”.

Article 328

Making Payments and Promises

(Amended by law no.23/2012, dated 01.03.2012, article 50)

Offering or giving money or material goods, making promises of employment or other favours in any form, in order to get signatures to field a candidate, vote in a certain way, or participate or not participate in voting, constitutes criminal contravention and is punishable by imprisonment of six months to two years.

Accepting money, material goods, promises and other favours in exchange for the performance of the acts mentioned above, constitutes criminal contravention and is punishable by a fine.”.

Article 328/a

Forcing Participation in Political Activities

(Added by law no.23/2012, dated 01.03.2012, article 51)

Forcing the citizens under administrative dependency, against their will or under the threat to use administrative actions, to participate in the election activities of an electoral subject, constitutes criminal contravention and is punishable by a fine or imprisonment of up to six months.

Forcing or organising of pre-university students to participate in the electoral activities of an electoral subject by employees who perform a public duty in public education, or duty or function in non-public education, constitutes criminal contravention and is punishable by imprisonment of three months to one year".

Article 329

Intimidation or Abuse against Participants in Election

(Amended by law no.23/2012, dated 01.03.2012, article 52)

Intimidating a voter to vote in a certain way, or to participate or not participate in voting, constitutes criminal contravention and is punishable by imprisonment of three months to two years.

Intimidating or using violence against a commissioner, observer, vote-counting staff, and any other official in charge of election, in order to prevent him or her from performing his or her duty, or due to his or her activity in electoral administration, is punishable by imprisonment of six months to three years.

When this offence is committed in complicity, or more than once, it is punishable by imprisonment of one to five years"

Article 330

Obstructing Voters

(Amended by law no.23/2012, dated 01.03.2012, article 53)

Obstructing a voter to vote at his or her polling centre, in violation of the voting rules, by taking or damaging his or her identification document, or in any other form, is punishable by imprisonment of six months to one year.

Where that offence is committed more than once, against more than one voter, or by the election commissioners, it is punishable by imprisonment of one to five years.

Article 330/a

Abandonment of Duty by Election Commission Members

(Added by law no.23/2012, dated 01.03.2012, article 54)

Abandonment of duty or refusal to perform duties by persons responsible for managing the voting and counting process, constitutes criminal contravention and is punishable by imprisonment of six months to two years.

Where those offences have been committed by taking with oneself or removing election materials, or caused serious consequences in the voting process, or caused the elections be invalid, it is punishable by imprisonment of two to five years.".

Article 331

Violating the Voting Rights

(Amended by law no.23/2012, dated 01.03.2012, article 55;
The part that provides Fine as main punishment in addition to imprisonment is abrogated by law no.144, dated 02.05.2013, article 48)

Intentional exclusion from the voter list of persons who have the right to vote, or intentional registration in the voter list of persons who do not have this right, is punishable by imprisonment of one to five years.

Where that offence has been committed in complicity, and has caused grave consequences to voter interests and the election process, it is punishable by imprisonment of two to five years.

Article 332
Abuse of military authority

Abuse of military authority by a military official of any rank in order to influence the voting of the other military members under his command, through orders, advice or any other propaganda, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

CHAPTER XI
CRIMINAL ACTS COMMITTED BY AN ARMED GANG OR CRIMINAL ORGANIZATION

Article 333
Criminal organizations

(Amended by Law no. 9275, dated 16.09.2004, article 32)

The establishment, organization or leading of the criminal organizations is sentenced with imprisonment of five to fifteen years.

Participation in a criminal organization is punished with imprisonment for a term of from four to eight years

If the criminal organization is armed and its members possess weapons, explosive materials for the purpose of fulfilling its criminal activity, even if they are hidden or kept in special places, the imprisonment sentence is added with one third.

When the economic activities undertaken or controlled by the members of the criminal organization are fully or partially financed by proceeds of criminal acts, the sentence according to the above-mentioned paragraphs in this article is increased by one third to one half.

Article 333/a
The structured criminal group

(Added by Law no. 9275, dated 16.09.2004, article 33)

The establishment, the organization or the leading of a structured criminal group with the purpose of committing crimes, is sentenced with imprisonment for a term of from three to eight years.

Participation in the structured criminal group is punished with imprisonment for a term of from two to five years.

Article 334
Commission of criminal offences by criminal organizations and structured criminal groups

(Amended by Law no. 8733, dated 24.01.2001, article 79;
Amended by Law no. 9275, dated 16.09.2004, article 34)

I. Commission of criminal offences by the members of the criminal organization and structured criminal group is sentenced according to the respective criminal provisions by augmenting the sentence for the offence committed with five years of imprisonment, as well as the fine in the measure of one third but without exceeding the maximum limit of the imprisonment sentence.

II. When the respective referring criminal provision contains imprisonment or life imprisonment, it is punishable by twenty-five years of imprisonment or to life imprisonment.

III. When the respective referring criminal provision contains only life imprisonment, it is punishable by life imprisonment.

Article 334/1

(Added by Law no. 9017, dated 06.03.2003, article 1)

Regardless of article 278, the persons, who will voluntarily hand over the weapons till 5.31.2005, are excluded from the criminal prosecution for illicit possession of military weapons and munitions in accordance with the legislation in power.

In any case, the persons who have committed a criminal offence using military weapons and munitions as a tool for this purpose are not excluded from the criminal prosecution for illicit possession of military weapons,.

The persons who, after this law comes into force, declare that they do not possess military weapons or munitions and from the controls exercised in accordance with the respective provisions of the Criminal Procedure Code are found hidden weapons and munitions are not excluded from the criminal prosecution.

Article 335

The code enters into force on June 1, 1995. The legal acts that are abrogated as well as the effects and the mode this code enters into force, shall be designated by a separate law.

Transitional dispositions

(Provided by Law no. 23/2012, dated 01.03.2012)

Criminal prosecution of cases under investigation, court pending cases and criminal charges submitted to these bodies and to the public order bodies for criminal offences which are nullified by the entry into force of this Law, are dismissed.

SPEAKER OF THE PARLIAMENT

Pjetër Arbnori