Issuer:	Riigikogu
Type:	act
In force from:	01.01.2015
In force until:	30.04.2015
Translation published:	22.01.2015

Penal Code[1]

Passed 06.06.2001
RT I 2001, 61, 364
Entry into force 01.09.2002

Amended by the following acts

Passed	Published	Entry into force
15.05.2002	RT I 2002, 44, 284	01.09.2002
12.06.2002	RT I 2002, 56, 350	01.09.2002
19.06.2002	RT I 2002, 64, 390	01.09.2002
18.09.2002	RT I 2002, 82, 480	24.10.2002
consolidated text on paper RT	RT I 2002, 86, 504	
04.12.2002	RT I 2002, 105, 612	02.01.2003
18.12.2002	RT I 2003, 4, 22	23.01.2003
17.12.2003	RT I 2003, 83, 557	01.01.2004
18.12.2003	RT I 2003, 90, 601	01.01.2004
28.01.2004	RT I 2004, 7, 40	14.02.2004
19.05.2004	RT I 2004, 46, 329	01.07.2004
28.06.2004	RT I 2004, 54, 387	01.07.2004
28.06.2004	RT I 2004, 56, 401	01.08.2004
08.12.2004	RT I 2004, 88, 600	02.01.2005
23.03.2005	RT I 2005, 20, 126	01.01.2006
15.06.2005	RT I 2005, 39, 308	21.07.2005, partially01.01.2006
16.06.2005	RT I 2005, 40, 311	01.10.2005
28.06.2005	RT I 2005, 47, 387	18.09.2005
07.12.2005	RT I 2005, 68, 529	01.01.2006
26.01.2006	RT I 2006, 7, 42	04.02.2006
19.04.2006	RT I 2006, 21, 160	25.05.2006
07.06.2006	RT I 2006, 30, 231	14.07.2006
14.06.2006	RT I 2006, 31, 233	16.07.2006
14.06.2006	RT I 2006, 31, 234	16.07.2006
27.09.2006	RT I 2006, 46, 333	01.01.2007
13.12.2006	RT I 2007, 2, 7	01.02.2007
17.01.2007	RT I 2007, 11, 51	18.02.2007
24.01.2007	RT I 2007, 13, 69	15.03.2007
25.01.2007	RT I 2007, 16, 77	01.01.2008
15.02.2007	RT I 2007, 23, 119	02.01.2008
consolidated text on paper RT	RT I 2007, 31, 187	
14.06.2007	RT I 2007, 45, 320	20.07.2007
06.12.2007	RT I 2008, 1, 1	14.01.2008
19.12.2007	RT I 2008, 3, 21	28.01.2008
21.02.2008	RT I 2008, 13, 87	24.03.2008
16.04.2008	RT I 2008, 19, 132	23.05.2008
11.06.2008	RT I 2008, 28, 181	13.07.2008
19.06.2008	RT I 2008, 33, 199	28.07.2008
19.06.2008	RT I 2008, 33, 200	28.07.2008

19.11.2008	RT I 2008, 52, 288	22.12.2008
19.11.2008	RT I 2008, 52, 289	01.01.2009
19.11.2008	RT I 2008, 54, 304	27.12.2008
19.11.2008	RT I 2008, 54, 304	01.07.2009
03.12.2008	RT I 2008, 54, 305	27.12.2008
11.03.2009	RT I 2009, 19, 114	06.04.2009
07.05.2009	RT I 2009, 27, 166	30.07.2009
20.05.2009	RT I 2009, 30, 177	22.06.2009
15.06.2009	RT I 2009, 39, 261	24.07.2009
15.10.2009	RT I 2009, 51, 347	15.11.2009
15.10.2009	RT I 2009, 51, 348	15.11.2009
19.11.2009	RT I 2009, 59, 388	20.12.2009
26.11.2009	RT I 2009, 62, 405	01.01.2010
09.12.2009	RT I 2009, 68, 463	01.01.2010
20.01.2010	RT I 2010, 8, 34	27.02.2010
11.02.2010	RT I 2010, 10, 44	15.03.2010
25.02.2010	RT I 2010, 11, 54	28.03.2010
14.04.2010	RT I 2010, 17, 93	10.05.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13.07.2010 (OJ L 196, 28.07.2010, pp. 24-26).
12.05.2010	RT I 2010, 26, 129	05.10.2010
20.05.2010	RT I 2010, 29, 151	20.06.2010
16.06.2010	RT I 2010, 44, 258	01.01.2011, partially01.01.2012
17.06.2010	RT I 2010, 44, 261	01.01.2011
03.08.2010	RT I 2010, 56, 363	01.11.2010
28.10.2010	RT I, 12.11.2010, 1	15.11.2010
25.11.2010	RT I, 09.12.2010, 1	01.01.2011
25.11.2010	RT I, 10.12.2010, 1	01.04.2011
16.12.2010	RT I, 06.01.2011, 1	16.01.2011
27.01.2011	RT I, 23.02.2011, 1	01.09.2011
27.01.2011	RT I, 23.02.2011, 2	05.04.2011
17.02.2011	RT I, 11.03.2011, 1	21.03.2011
17.02.2011	RT I, 21.03.2011, 1	01.01.2012
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force changed to 01.07.2014 [RT I, 22.12.2013, 1]
16.06.2011	RT I, 30.06.2011, 1	20.07.2011, partially on the date following its publication in the Riigi Teataja.
21.06.2011	RT I, 30.06.2011, 6	21.06.2011, judgment of the Supreme Court en banc declares subsection 87² (2) of the Penal Code to be in conflict with the Constitution and repealed.
15.06.2011	RT I, 08.07.2011, 8	22.07.2011
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
21.03.2012	RT I, 04.04.2012, 1	14.04.2012
30.05.2012	RT I, 15.06.2012, 2	01.06.2013
06.06.2012	RT I, 29.06.2012, 1	01.04.2013, partially01.01.2014
13.06.2012	RT I, 10.07.2012, 2	01.04.2013
05.12.2012	RT I, 20.12.2012, 3	01.01.2013, partially01.04.2013
27.03.2013	RT I, 17.04.2013, 2	27.04.2013, partially01.07 and 02.07.2013

19.06.2013	RT I, 05.07.2013, 1	15.07.2013
20.06.2013	RT I, 05.07.2013, 2	15.07.2013
21.11.2013	RT I, 13.12.2013, 5	23.12.2013
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.12.2013	RT I, 14.01.2014, 2	01.02.2014
22.01.2014	RT I, 05.02.2014, 1	01.04.2014, partially as of the beginning of authority of XIII composition of the Riigikogu.
12.02.2014	RT I, 26.02.2014, 1	08.03.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
11.06.2014	RT I, 21.06.2014, 8	01.01.2015, partially01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
09.12.2014	RT I, 22.12.2014, 9	01.01.2015
16.12.2014	RT I, 23.12.2014, 14	01.01.2015

Part 1
GENERAL PART

Chapter 1
GENERAL PROVISIONS

§ 1. Scope of application of General Part of Penal Code

(1) The provisions of the General Part of the Penal Code apply to the imposition of punishments for offences provided for in the Special Part of this Code and other Acts.

(2) For the purposes of this Chapter, penal law means this Code or any other Act which prescribes a punishment for an offence.

§ 2. Basis for punishment

(1) No one shall be convicted or punished for an act which was not an offence pursuant to the law applicable at the time of the commission of the act.

(2) A person shall be punished for an act if the act comprises the necessary elements of an offence, is unlawful and the person is guilty of commission of the offence.

(3) No one shall be punished more than once for the same offence, regardless of whether the punishment is imposed in Estonia or in another state.

(4) An act shall not be declared to be an offence by analogy in law.

§ 3. Types of offences

(1) An offence is a punishable act provided for in this Code or another Act.

(2) Offences are criminal offences and misdemeanours.

(3) A criminal offence is an offence which is provided for in this Code and the principal punishment prescribed for which in the case of natural persons is a pecuniary punishment or imprisonment and in the case of legal persons a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) A misdemeanour is an offence which is provided for in this Code or another Act and the principal punishment prescribed for which is a fine, detention or deprivation of driving privileges.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(5) If a person commits an act which comprises the necessary elements of both a misdemeanour and a criminal offence, the person shall be punished only for the criminal offence. If no punishment is imposed for the criminal offence, the person may be punished for the misdemeanour.

§ 4. Degrees of criminal offences

(1) Criminal offences are criminal offences in the first and in the second degree.

(2) A criminal offence in the first degree is an offence the maximum punishment prescribed for which in this Code for a natural person is imprisonment for a term of more than five years or life imprisonment. An offence of a legal person is a criminal offence in the first degree if imprisonment for a term of more than five years or life imprisonment is prescribed for the same act as maximum punishment for a natural person.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) A criminal offence in the second degree is an offence the punishment prescribed for which in this Code is imprisonment for a term of up to five years or a pecuniary punishment.

(4) Mitigation or aggravation of a punishment on the basis of the provisions of the General Part of this Code shall not alter the degree of a criminal offence.

§ 5. Temporal applicability of penal law

(1) A punishment shall be imposed pursuant to the law in force at the time of commission of the act.

(2) An Act, which precludes punishability of an act, mitigates a punishment or otherwise alleviates the situation of a person shall have retroactive effect on the person who has not been punished for this act by a judgment which has entered into force. An Act, which precludes punishability of an act, punishment by imprisonment or shortens imprisonment, shall also have retroactive effect on a person who is serving a sentence of imprisonment imposed on him or her by a judgment which has entered into force or with respect to whom the imprisonment imposed by a judgment which has entered into force is enforced. In such case the punishment is reduced to the maximum punishment prescribed for a similar act in the new Act, or if the act is no longer punishable as a criminal offence, the person shall be released from imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) An Act which declares an act as punishable, aggravates a punishment or otherwise exacerbates the situation of a person shall not have retroactive effect.

(4) Offences against humanity and war crimes shall be punishable regardless of the time of commission of the offence.

§ 6. Territorial applicability of penal law

(1) The penal law of Estonia applies to acts committed within the territory of Estonia.

(2) The penal law of Estonia applies to acts committed on board of or against ships or aircraft registered in Estonia, regardless of the location of the ship or aircraft at the time of commission of the offence or the penal law of the country where the offence is committed.

§ 7. Applicability of penal law by reason of person concerned

[RT I 2004, 46, 329 - entry into force 01.07.2004]

(1) The penal law of Estonia applies to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and is punishable at the place of commission of the act, or if no penal power is applicable at the place of commission of the act and if:
1) the act is committed against a citizen of Estonia or a legal person registered in Estonia; or
2) the offender is a citizen of Estonia at the time of commission of the act or becomes a citizen of Estonia after the commission of the act, or if the offender is an alien who has been detained in Estonia and is not extradited.
[RT I 2004, 46, 329 - entry into force 01.07.2004]

(2) The penal law of Estonia applies:
1) to an act committed outside the territory of Estonia if such act constitutes a criminal offence pursuant to the penal law of Estonia and the offender is a member of the Defence Forces performing his or her duties;
2) to grant, acceptance or arranging receipt of gratuities or bribes or influence peddling committed outside the territory of Estonia if such act was committed by an Estonian citizen, Estonian official or a legal person registered in Estonia, or an alien who has been detained in Estonia and who is not extradited, or such person participated therein.
[RT I, 05.07.2013, 2 - entry into force 15.07.2013]

§ 8. Applicability of penal law to acts against internationally protected legal rights

Regardless of the law of the place of commission of an act, the penal law of Estonia shall apply to any acts committed outside the territory of Estonia if punishability of the act arises from an international obligations binding on Estonia.
[RT I, 05.07.2013, 2 - entry into force 15.07.2013]

§ 9. Applicability of penal law to acts against legal rights of Estonia

(1) Regardless of the law of the place of commission of an act, the penal law of Estonia applies to acts committed outside the territory of Estonia if according to the penal law of Estonia the act is a criminal offence in the first degree and if such act:
1) causes damage to the life or health of the population of Estonia;
2) interferes with the exercise of state authority or the defence capability of Estonia; or
3) causes damage to the environment.

(2) Regardless of the type of the offence, the penal law of Estonia applies to acts, which damage the environment and were committed within the economic zone or on the high seas, in accordance with the requirements and rights of international maritime law established with respect to foreign vessels.
[RT I 2008, 1, 1 - entry into force 14.01.2008]

§ 10. Time of commission of act

An act is deemed to be committed at the time when the person acted or was legally required to act. The time of occurrence of the consequences shall not be taken into consideration.

§ 11. Place of commission of act

(1) An act is deemed to be committed at the place where:
1) the person acted;
2) the person was legally required to act;
3) the consequence which constitutes a necessary element of the offence occurred; or
4) according to the assumption of the person, the consequence which constitutes a necessary element of the offence should have occurred.

(2) Complicity is deemed to be committed at the place where:
1) the principal offender committed the criminal offence;
2) the accomplice acted;
3) the accomplice was legally required to act; or
4) according to the assumption of the accomplice, the consequence which constitutes a necessary element of the offence should have occurred.

(3) If an accomplice to a criminal offence committed in a foreign state commits an act in the territory of Estonia and pursuant to the penal law of Estonia such act is punishable and the act of the principal offender is punishable at the place of commission of the act, or no penal power is applicable at the place of commission of the act, the penal law of Estonia applies to the accomplice.

Chapter 2
OFFENCE

Division 1
Necessary Elements of Offence

§ 12. Necessary elements of offence

(1) Necessary elements of an offence are provided for in the description of a punishable act provided for in the Special Part of this Code or another Act.

(2) The objective elements necessary to constitute an offence are the acts or omissions described by law and, in the cases provided by law, the consequences which are in a causal relation to such acts or omissions. The law may also prescribe other objective elements necessary to constitute an offence.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) The subjective elements necessary to constitute an offence are intent or negligence. Law may prescribe a motive, aim or any other subjective element necessary to constitute an offence.

§ 12[1]. Proprietary damage caused by offence or extent of offence

If causing of proprietary damage is provided for as a necessary element of an offence or the extent of an offence can be determined pecuniarily, the extent of damage or offence are appraised pecuniarily as follows:
1) damage or extent of offence which exceeds 4000 euros is significant damage;

2) damage or extent of offence which exceeds 40,000 euros is major damage;
3) damage or extent of offence which exceeds 400,000 euros is particularly great damage.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 13. Responsibility for omission

(1) A person shall be held responsible for an omission if the person was legally required to act.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) In the case of an offence through omission, the court may apply the provisions of § 60 of this Code.

§ 14. Liability of legal person

(1) In the cases provided by law, a legal person shall be held responsible for an act which is committed in the interests of the legal person by its body, a member thereof or by a senior official or competent representative.
[RT I 2008, 33, 200 - entry into force 28.07.2008]

(2) Prosecution of a legal person does not preclude prosecution of the natural person who committed the offence.

(3) The provisions of this section do not apply to the state, international organisations, local governments or to legal persons in public law.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 15. Intentional act and negligent act

(1) Only intentional acts shall be punishable as criminal offences unless a punishment for a negligent act is provided by this Code.

(2) An act is also deemed to be intentional if it comprises the necessary elements of an offence in the case of which intent is presumed with regard to the act, and negligence is deemed to be sufficient with regard to grave consequences.

(3) Intentional and negligent acts are both punishable as misdemeanours.

§ 16. Intent

(1) Intent is deliberate intent, direct intent or indirect intent.

(2) A person is deemed to have committed an act with deliberate intent if the aim of the person is to create circumstances which belong to the necessary elements of an offence and is aware that such circumstances occur or if he or she at least foresees the occurrence of such circumstances. A person is also deemed to have committed an act with deliberate intent if the person assumes that the circumstances which constitute the necessary elements of an offence are an essential prerequisite for the achievement of the aim.

(3) A person is deemed to have committed an act with direct intent if the person knowingly creates circumstances which belong to the necessary elements of an offence and wants or at least tacitly accepts the creation of the circumstances.

(4) A person is deemed to have committed an act with indirect intent if the person foresees the occurrence of circumstances which constitute the necessary elements of an offence and tacitly accepts that such circumstance may occur.

§ 17. Ignorance of circumstances which constitute necessary elements of offence

(1) A person who at the time of commission of an act is unaware that a circumstance which constitutes a necessary element of an offence is not deemed to have committed the act intentionally. In such case, the person shall be punished for an offence committed through negligence in the cases provided by law.

(2) A person who at the time of commission of an act erroneously assumes circumstances which would constitute the necessary elements of an offence for which a more lenient punishment is prescribed, shall be liable for an intentional offence the commission of which the person intended.

(3) Ignorance of law shall not preclude intent or negligence.

§ 18. Negligence

(1) Negligence is recklessness or carelessness.

(2) A person is deemed to have committed an act through recklessness if the person foresees the occurrence of circumstances which constitute the necessary elements of an offence but, due to inattentiveness or irresponsibility, seeks to avoid the occurrence of such circumstances.

(3) A person is deemed to have committed an act through carelessness if the person is unaware of the occurrence of a circumstance which constitutes a necessary element of an offence but should have foreseen the occurrence of the circumstance in the case of attentive and conscientious performance.

§ 19. Liability for grave consequences

A person shall be liable for grave consequences provided by law if he or she causes the consequences with at least negligence.

§ 20. Offender

Offenders are principal offenders and accomplices.

§ 21. Principal offender

(1) Principal offender is a person who commits an offence unaided or by taking advantage of another person.

(2) If at least two persons agree to commit an offence jointly, each of them shall be held liable as a principal offender (joint principal offenders). An offence is deemed to be a joint offence also if an act committed by several persons jointly and in agreement comprises the necessary elements of an offence.

§ 22. Accomplice

(1) Accomplices are abettors and aiders.

(2) An abettor is a person who intentionally induces another person to commit an intentional unlawful act.

(3) An aider is a person who intentionally provides physical, material or moral assistance to an intentional unlawful act of another person.

(4) Unless otherwise provided for in § 24 of this Code, a punishment shall be imposed on an accomplice pursuant to the same provision of law which prescribes the liability of the principal offender.

(5) In the case of an aider, the court may apply the provisions of § 60 of this Code.

§ 22[1]. Attempt of instigation to criminal offence, consent to proposal to commit criminal offence and agreement to commit joint criminal offence

(1) An attempt of instigation to a criminal offence, a consent to a proposal to commit a criminal offence and an agreement to commit a joint criminal offence are punishable in the case of the criminal offences provided for in Chapters 8, 9, 13, 18 and 22 and in Divisions 2, 4 and 5 of Chapter 15 of this Code for which the maximum term of punishment of at least twelve years' imprisonment or life imprisonment is prescribed.

(2) A person is liable for the activities specified in this section only if at least one of the parties to the activities listed in subsection (1) of this section commits an additional act with the intention of promoting commencement of commission of a criminal offence.

(3) Unless otherwise provided for in § 24 of this Code, a punishment shall be imposed on a person who makes an attempt to instigate commission of a criminal offence pursuant to the same provision of the law which prescribes the liability of the principal offender.

(4) In the case of the acts specified in subsection (1) of this section, the court shall apply the provisions of § 60 of this Code or release the person from punishment on the bases provided for in subsection 26 (2) of this Code. [RT I 2008, 52, 289 - entry into force 01.01.2009]

§ 23. Commission of misdemeanour

In the case of a misdemeanour, only the commission thereof is punishable.

§ 24. Special personal characteristics

(1) Special personal characteristics are circumstances which constitute a necessary element of an offence prescribed in the Special Part of this Code or another Act and which describe the personal characteristics, aims or motives of an offender.

(2) If an accomplice lacks the specific personal characteristics which pursuant to law constitute prerequisites for the liability of the principal offender, the provisions of § 60 of this Code shall apply to the accomplice.

(3) Special personal characteristics provided by law which aggravate, mitigate or preclude liability apply only with regard to an offender with such special personal characteristics.

§ 25. Attempt

(1) An attempt is an intentional act the purpose of which is to commit an offence.

(2) An attempt is deemed to have commenced at the moment when the person, according to the person's understanding of the act, directly commences the commission of the offence.

(3) If an act is committed by taking advantage of another person, the attempt is deemed to have commenced at the moment when the person loses control over the events or when the intermediary directly commences the commission of the offence according to the person's understanding of the act.

(4) In the case of a joint offence, the attempt is deemed to have commenced at the moment when at least one of the persons directly commences the commission of the offence according to the agreement of the persons.

(5) In the case of an omission, the attempt is deemed to have commenced at the moment when the person fails to perform an act which is necessary for the prevention of the consequences which constitute the necessary elements of an offence.

(6) In the case of an attempt, the court may apply the provisions of § 60 of this Code.

§ 25[1]. Punishability of attempted misdemeanour

Attempted misdemeanour is punishable in the cases provided for in this Code or another Act.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 26. Impossible attempt

(1) An attempt is impossible if it cannot be completed due to the unsuitability of the object or subject of the offence or due to the unsuitability of the object or method used to commit the offence.

(2) The court may release a person from punishment or apply the provisions of § 60 of this Code if, due to his or her mental infirmity, the person does not understand that the attempt is impossible.

Division 2
Preclusion of Unlawfulness

§ 27. Unlawful act

An act is unlawful if it comprises the necessary elements of an offence prescribed by law and the unlawfulness of the act is not precluded by this Code, another Act, international conventions or international customs.

§ 28. Self-defence

(1) An act is not unlawful if the person combats a direct or immediate unlawful attack against the legal rights of the person or of another person by violating the legal rights of the attacker and without exceeding the limits of self-defence.

(2) A person is deemed to have exceeded the limits of self-defence if the person with deliberate or direct intent carries out self-defence by means which are evidently incongruous with the danger arising from the attack or if the person with deliberate of direct intent causes evidently excessive damage to the attacker.

(3) An opportunity to avoid an attack or to request assistance from another person shall not preclude the right to self-defence.

§ 29. Necessity

An act is not unlawful if the person commits the act in order to avert a direct or immediate danger to the legal rights of the person or of another person, and if the means chosen by the person are necessary for the aversion of the danger and the interest protected is evidently of higher importance than the interest subject to damage. In considering interests, the importance of the legal rights, the degree of the danger by which they are threatened and the danger arising from the act shall be taken into account.

§ 30. Conflict of obligations

An act which violates a legal obligation is not unlawful if the person is to perform several legal obligations simultaneously and it is impossible to perform all of them but the person does everything in his or her power to perform the obligation which is at least as important as the obligation violated against.

§ 31. Error concerning circumstance which precludes unlawfulness

(1) An intentional act is not unlawful if, at the time of commission of the act, the person erroneously assumes circumstances which would preclude the unlawfulness of the act. In such case, the person shall be punished for an offence committed through negligence in the cases provided by law.

(2) A person who at the time of commission of an act is unaware of the circumstances which objectively preclude the unlawfulness of the act shall be held liable for an attempt. In such case, the court may apply the provisions of § 60 of this Code.

Division 3
Guilt

§ 32. Principle of guilt

(1) A person shall be punished for an unlawful act only if the person is guilty of the commission of the act. A person is guilty of commission of an act if the person is capable of guilt and there are no circumstances provided by law which would preclude guilt.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) An offender shall be punished according to the guilt of the offender, regardless of the guilt of other offenders.

§ 33. Guilt capacity

A person is capable of guilt if, at the time of commission of the act, he or she is mentally capable and at least fourteen years of age.

§ 34. Mental capacity

A person is not mentally capable if at the time of commission of an act he or she is incapable of understanding the unlawfulness of the act or incapable to act according to such understanding due to:
1) mental illness;
2) temporary severe mental disorder;
3) mental disability;
4) feeble-mindedness; or
5) other severe mental disorder.

§ 35. Diminished mental capacity

If the capacity of a person to understand the unlawfulness of his or her act or to act according to such understanding is substantially diminished due to one of the reasons specified in § 34 of this Code, the court may apply the provisions of § 60 of this Act.

§ 36. State of intoxication

A state of intoxication caused intentionally or through negligence shall not preclude guilt.

§ 37. Guilt capacity of legal persons

Legal persons with passive legal capacity are capable of guilt.

§ 37[1]. Absence of guilt of legal persons

Legal persons are deemed to have acted without guilt if an act committed by a competent representative thereof was inevitable for the legal person.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 38. Absence of guilt in case of negligence

A person who commits an act through negligence is deemed to have acted without guilt if the person due to his or her mental or physical abilities is incapable of understanding what is expected of him or her or is incapable to act according to such understanding.

§ 39. Error as to unlawfulness of act

(1) A person is deemed to have acted without guilt if he or she is incapable of understanding the unlawfulness of his or her act and cannot avoid the error.

(2) If an offender is able to avoid the error, the court may apply the provisions of § 60 of this Code.

§ 40. Abandonment of attempt

(1) A person is released from guilt if the person voluntarily abandons the attempt in one of the cases provided for in § 41, 42 or 43 of this Code.

(2) Voluntary abandonment of attempt shall not release from guilt for an act which comprises the necessary elements of a completed offence.

(3) A person is deemed to have abandoned an attempt voluntarily if according to the person's understanding of the act the consequences of the act may still occur but the person decides to abandon the attempt regardless of circumstances beyond the person's intention.

§ 41. Abandonment of incomplete attempt

(1) A principal offender is deemed to have abandoned an incomplete attempt if the principal offender interrupts the completion of the offence.

(2) An attempt is incomplete if the person has not yet performed all that according to the person's understanding of the act is necessary for the completion of the offence.

§ 42. Abandonment of completed attempt

(1) A principal offender is deemed to have abandoned a complete attempt if the principal offender prevents the occurrence of the consequences of the offence. If a complete attempt is not sufficient for the full commission of the act, the principal offender is deemed to have abandoned the attempt if the principal offender earnestly endeavours to prevent the occurrence of the consequences of the offence.

(2) An attempt is complete if the person according to the person's understanding of the act has performed everything in the person's power to complete the offence.

§ 43. Abandonment of attempt in case of several offenders

If several offenders participate in an attempt, the person who prevents the occurrence of the consequences of the offence is deemed to have abandoned the attempt. If the consequences occur or do not occur regardless of the conduct of an offender, the offender is deemed to have abandoned the attempt if the offender earnestly endeavours to prevent the occurrence of the consequences.

§ 43[1]. Abandonment of attempt to instigate criminal offence and agreement to commit criminal offence

(1) A person having committed an attempt to instigate a criminal offence, consented to a proposal to commit a criminal offence or agreed to commit a criminal offence is released from guilt if the person voluntarily:
1) interrupts the instigation of another person to criminal offence and prevents the possible danger of committing the act;
2) abandons the consent granted for committing a criminal offence; or
3) prevents the agreed committing of a criminal offence.

(2) If a criminal offence is committed or the committing thereof is refrained from regardless of the acts of the person, the person is deemed to have abandoned it if he or she earnestly endeavours to prevent the commission of the criminal offence.
[RT I 2008, 52, 289 - entry into force 01.01.2009]

Chapter 3
TYPES AND TERMS OF PUNISHMENTS

Division 1
Principal Punishments Imposed for Criminal Offences

§ 44. Pecuniary punishment

(1) For a criminal offence, the court may impose a pecuniary punishment of thirty to five hundred daily rates.

(2) The court shall calculate the daily rate of a pecuniary punishment on the basis of the average daily income of the offender. The court may reduce the daily rate due to special circumstances or increase the rate on the basis of the standard of living of the offender. The daily rate applied shall not be less than the minimum daily rate. The minimum daily rate shall be 10 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) Average daily income shall be calculated on the basis of the income subject to income tax received by the offender during the year immediately preceding the year in which criminal proceedings were commenced against the offender or, if the data pertaining to such year are not available, during the year preceding such year, less the income tax.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) Daily rates shall be calculated to the accuracy of ten cents.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(5) If at the time of commission of an act, the person is less than eighteen years of age, the court may impose a pecuniary punishment of thirty up to two hundred and fifty daily rates. A pecuniary punishment shall not be imposed on a person of less than eighteen years of age if he or she does not have any independent income.

(6) A pecuniary punishment may be imposed as a supplementary punishment together with imprisonment unless imprisonment has been substituted by community service.

(7) A pecuniary punishment shall not be imposed as a supplementary punishment together with a fine to the extent of assets.

(8) In case of a legal person, the court may impose a pecuniary punishment of 4000 to 16,000,000 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(9) In the cases provided for in the Special Part of this Code, the court may impose a pecuniary punishment on a legal person, the amount of which is calculated as a percentage of the turnover of the legal person during the financial year immediately preceding the year in which the criminal proceedings were commenced, or in case the person has operated for less than a year, during the year of commencing the criminal proceedings. In such case, the upper limit of the pecuniary punishment imposed shall not exceed the upper limit of the pecuniary punishment provided for in subsection (8) of this section.
[RT I 2010, 8, 34 - entry into force 27.02.2010]

§ 45. Imprisonment

(1) For a criminal offence, the court may impose imprisonment for a term of thirty days to twenty years, or life imprisonment.

(2) Imprisonment for a term of more than ten years or life imprisonment shall not be imposed on a person who at the time of commission of the criminal offence is less than eighteen years of age.

§ 46. Compulsory dissolution of legal person

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 2
Principal Punishments Imposed for Misdemeanours

§ 47. Fine

(1) For a misdemeanour, a court or a body conducting extra-judicial proceedings may impose a fine of three up to three hundred fine units. A fine unit is the base amount of a fine and is equal to 4 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) A court or a body conducting extra-judicial proceedings may impose a fine of 100 to 400,000 euros on a legal person who commits a misdemeanour.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 48. Detention

For a misdemeanour, a court may impose detention for a term of up to thirty days.

§ 48[1]. Deprivation of driving privileges as principal punishment

(1) A court or a body conducting extra-judicial proceedings may impose, as a principal punishment, deprivation of driving privileges for up to two years for a misdemeanour relating to violation of safe traffic or of rules of operation of a motor vehicle, aircraft, water craft, tram or rolling stock. Deprivation of driving privileges may not be imposed simultaneously as a principal and supplementary punishment.

(2) A person shall not be deprived of the right to drive a motor vehicle if he or she uses the motor vehicle due to mobility disability.
[RT I 2008, 54, 304 - entry into force 27.12.2008]

Division 3
Supplementary Punishments for Offences Imposed on Natural Persons

[RT I 2005, 40, 311 - entry into force 01.10.2005]

§ 49. Occupational ban

For a criminal offence relating to abuse of professional or official status or violation of official duties, a court may impose, as a supplementary punishment, a ban on employment in a particular office or operation in a particular area of activity for up to three years.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 49[1]. Violation of prohibition to engage in enterprise

(1) For fraud, abuse of trust, giving or mediating a bribe, influence peddling, a criminal offence against public trust or an economic criminal offence, a court may impose, as a supplementary punishment, prohibition to engage in enterprise for the term from one to five years.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) A person with respect to whom a court has imposed a prohibition to engage in enterprise shall not act as an undertaking, member of the management bodies of a legal person, liquidator or procurator of a legal person or participate in the management of the legal person in any other manner during the term specified by the court.
[RT I 2008, 52, 288 - entry into force 22.12.2008]

§ 50. Deprivation of driving privileges

(1) For an offence relating to violation of the safe traffic or of rules of operation of a motor vehicle, aircraft, water craft, tram or rolling stock, deprivation of driving privileges may be imposed as a supplementary punishment:
1) for up to three years by a court in the case of a criminal offence;
2) for up to one year by a court or body conducting the extra-judicial proceedings in the case of a misdemeanour in cases provided by the law.

(2) A person shall not be deprived of the right to drive a motor vehicle if he or she uses the motor vehicle due to mobility disability.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 51. Deprivation of right to hold weapons or ammunition

For a criminal offence relating to handling or use of weapons or ammunition, a court may deprive the offender, as a supplementary punishment, of the right to acquire, store, supply, convey and carry weapons or ammunition for the term of up to five years.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 52. Deprivation of hunting or fishing rights

For a criminal offence relating to violation of hunting or fishing rights, a court may deprive the offender, as a supplementary punishment, of the hunting and fishing rights for the term of up to three years.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 52[1]. Deprivation of right to access state secrets and classified information of foreign states and right to process access state secrets and classified information of foreign states

For a misdemeanour relating to violation of the requirements of the State Secrets and Classified Information of Foreign States Act, a court or a body conducting extra-judicial proceedings may impose deprivation of right to access state secrets and classified information of foreign states and right to process access state secrets and classified information of foreign states as supplementary punishment on the offender for up to one year.

[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 52[2]. Prohibition on keeping of animals

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
For commission of a prohibited act against an animal, a court may impose, as a supplementary punishment, prohibition on keeping of any animals or animals of certain species:
1) for up to five years in the case of a criminal offence;
2) for up to three years in the case of a misdemeanour.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 53. Fine to the extent of assets

(1) If a court convicts a person of a criminal offence and imposes imprisonment for a term of more than three years or life imprisonment, the court may, in the cases provided by law, impose a supplementary punishment according to which the offender is to pay an amount up to the extent of the total value of all the assets of the offender.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) A fine to the extent of assets may be imposed as a supplementary punishment for a criminal offence committed before 1 February 2007.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 54. Expulsion

(1) If a court convicts a citizen of a foreign state of an intentional criminal offence and imposes imprisonment, the court may impose expulsion with prohibition on entry for up to ten years as supplementary punishment on the offender. If the spouse or a minor child of the offender lives with him or her in the same family in Estonia on a legal basis, the court shall provide reasons in its judgment for imposition of expulsion.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) Expulsion shall not be imposed on a citizen of a foreign state who at the time of commission of the criminal offence was less than eighteen years of age.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 55. Term of supplementary punishment

(1) If a supplementary punishment provided for in §§ 49 to 52[2] of this Code is imposed together with detention or imprisonment, the supplementary punishment shall extend to the whole term of the principal punishment and additionally to the term determined by the court judgment or the decision of the body conducting extra-judicial proceedings.
[RT I 2007, 23, 119 - entry into force 02.01.2008]

(2) The term for a prohibition on entry supplementing expulsion provided for in § 54 of this Code shall be calculated as of the expulsion of the offender.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 4
Supplementary Punishments for Offences Imposed on Legal Persons

[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 55[1]. Supplementary punishments of legal persons

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
The following supplementary punishments may be imposed on legal persons:
1) deprivation of the right to process state secrets and classified information of foreign states under the conditions provided for in subsection § 52[1] of this Code;
2) prohibition on keeping of animals under the conditions provided for in § 52[2] of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Chapter 4

IMPOSITION OF PUNISHMENT

Division 1
Bases for Imposition of Punishments

§ 56. Basis for punishment

(1) Punishment shall be based on the guilt of the person. In imposition of a punishment, a court or a body conducting extra-judicial proceedings shall take into consideration the mitigating and aggravating circumstances, the possibility to influence the offender not to commit offences in the future, and the interests of the protection of public order.
[RT I 2003, 83, 557 - entry into force 01.01.2004]

(2) Imprisonment may be imposed only on the condition that the aims of the punishment cannot be achieved by a less onerous punishment. If a section of the Special Part of this Code prescribes, in addition to imprisonment, less onerous punishments, the court shall provide in its judgment the reasons for the imposition of imprisonment.

§ 57. Mitigating circumstances

(1) Mitigating circumstances are:
1) prevention of harmful consequences of the offence, and provision of assistance to the victim immediately after the commission of the offence;
2) voluntary compensation for damage;
3) appearance for voluntary confession, sincere remorse, or active assistance in detection of the offence;
4) commission of the offence due to a difficult personal situation;
5) commission of the offence under threat or duress, or due to service, financial or family-related dependent relationship;
6) commission of the offence in a highly provoked state caused by unlawful behaviour;
7) commission of the offence by a pregnant woman or a person in an advanced age;
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
8) commission of the offence in excess of the limits of self-defence.
9) conciliation with the victim.
[RT I 2007, 11, 51 - entry into force 18.02.2007]

(2) Circumstances not specified in subsection (1) of this section may be taken into consideration in imposition of a punishment.

§ 58. Aggravating circumstances

Aggravating circumstances are:
1) self-interest or other base motives;
2) commission of the offence with peculiar cruelty, or degradation of the victim;
3) commission of the offence knowingly against a person who is less than eighteen years of age, pregnant, in an advanced age, in need of assistance or has a severe mental disorder;
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
4) commission of the offence against a person who is in a service or financially dependent relationship with the offender, and against a former or current family member of the offender, against a person who lives with the offender or a person who is otherwise in a family relationship with the offender;
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
5) commission of the offence during a state of emergency or state of war;
6) commission of the offence by taking advantage of a public accident or natural disaster;
7) commission of the offence in a manner which is dangerous to the public;
8) causing of serious consequences;
9) commission of the offence in order to facilitate or conceal another offence;
10) commission of the offence by a group;
11) taking advantage of an official uniform or badge in order to facilitate commission of the offence;
12) commission of the offence against a minor with abuse of power or confidence;
13) commission of the offence against the person by an adult in the presence of a minor.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 59. Prohibition to repeatedly consider mitigating or aggravating circumstances

The mitigating or aggravating circumstances provided for in §§ 57 and 58 of this Code shall not be considered in imposition of a punishment if they are described by law as the necessary elements of an offence.

§ 60. Mitigation of punishment in cases provided by law

(1) In the cases specified in the General Part of this Code, a court may mitigate the punishment of a person pursuant to the procedure provided for in subsections (2)–(4) of this section.

(2) The maximum rate of a mitigated punishment shall not exceed two-thirds of the maximum rate of the punishment provided by law.

(3) The minimum rate of a mitigated punishment shall be the minimum rate of the corresponding type of punishment provided for in the General Part of this Code.

(4) If the Special Part of this Code prescribes life imprisonment as a punishment for a criminal offence, imprisonment for a term of three to fifteen years shall be imposed in mitigation of the punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 60[1]. Active remorse

A court may apply the provisions of § 60 or release a person from the punishment if the act committed comprises the necessary elements of a completed offence but the person voluntarily abandons further commission of the act or eliminates the risk in any other manner.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 61. Imposition of less onerous punishment than minimum term or rate

(1) Taking into consideration special circumstances, a court or a body conducting extra-judicial proceedings may impose a less onerous punishment than the minimum term or rate provided by law.

(2) If the minimum term of imprisonment provided for in the Special Part of this Code is at least five years, imprisonment shall not be imposed for a term of less than one year.

§ 62. Imposition of principal and supplementary punishments

One principal punishment and one or several supplementary punishments may be imposed for one offence.

§ 63. Imposition of principal punishment for several offences

(1) If a person commits an act which comprises the necessary elements of several offences, one punishment shall be imposed on the person on the basis of the provision of law which prescribes the most onerous punishment.

(2) If a person commits several acts which contain the necessary elements of several criminal offences and he or she has not been previously punished for any of such offences, a punishment shall be imposed separately for each offence and aggregate punishment shall be imposed pursuant to § 64 of this Code.

(3) If a person commits several acts which contain the necessary elements of several misdemeanours, a punishment shall be imposed separately for each misdemeanour.
[RT I 2002, 56, 350 - entry into force 01.09.2002]

§ 64. Imposition of aggregate punishment

(1) In the case of principal punishments of the same type, the aggregate punishment shall be imposed by increasing the most onerous of the individual punishments imposed or by considering a lesser punishment to be imposed by imposition of the most onerous one.

(2) If one of the principal punishments imposed is a pecuniary punishment, it shall be executed independently, except in the case provided for in subsection (4) of this section.

(3) An aggregate punishment shall not exceed the sum of the individual punishments imposed or the maximum rate of the most onerous punishment provided for in the corresponding section of the Special Part of this Code.

(4) If life imprisonment is one of the punishments imposed, life imprisonment shall be imposed as the aggregate punishment.

(5) Supplementary punishments of different types shall be executed independently.
[RT I 2002, 56, 350 - entry into force 01.09.2002]

§ 65. Subsequent imposition of aggregate punishment

(1) If, after the pronouncement of a conviction, it is ascertained that the offender has committed another criminal offence prior to the pronouncement of the conviction, an aggregate punishment shall be imposed pursuant to the procedure provided for in § 64 of this Code. Punishment served in part or in full pursuant to the previous conviction shall be deducted from the aggregate punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) If an offender commits another criminal offence after the pronouncement of the conviction but before the sentence is served in full, the unserved part of the sentence imposed by the previous judgment shall be added to the punishment imposed for the new offence in accordance with the provisions of 64 (2), (4) and (5) of this Code. In such case, the aggregate punishment shall not exceed the maximum term of the given type of punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) If any of the punishments constituting a set on the basis of subsection (1) of this section has been substituted or the offender has been released on parole, the court shall determine for the second time, after formation of the aggregate punishment, the procedure for the enforcement thereof either by substituting it, releasing the offender on parole or enforcing the aggregate punishment pursuant to the provisions of § 56 of this Code. If any of the punishments constituting the set is unserved actual imprisonment, actual imprisonment shall be imposed as the aggregate punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 66. Serving of sentence in parts

(1) If a court imposes a pecuniary punishment, detention, or imprisonment for a term of up to six months, the court, taking into consideration the situation of the family and the professional activities of the offender and his or her state of health, may order the pecuniary punishment to be paid in instalments or the punishment to be borne in parts. The court shall determine the duration of the imprisonment or detention to be borne consecutively, or the amounts of the instalments of the pecuniary punishment. The duration of imprisonment or detention to be borne consecutively shall be at least two days.

(2) A court or a body conducting extra-judicial proceedings may, with good reason, order a fine payable in instalments.

(3) The term for the execution of a fine payable in instalments or imprisonment or detention to be borne in parts shall not exceed one year.

§ 67. Calculation of terms of punishment

(1) A term of imprisonment shall be calculated in years, months and days.

(2) A term of detention shall be calculated in days. One day of detention corresponds to twenty-four hours.

(3) The term of withdrawal of the right to drive a vehicle imposed as a principal punishment and of supplementary punishments shall be calculated in years and months.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 68. Consideration of provisional custody and detention

(1) Provisional custody, including the time spent in provisional arrest and arrest for surrender, shall be included in the term of a punishment. One day of provisional custody corresponds to one day of imprisonment or three daily rates of a pecuniary punishment.
[RT I 2004, 54, 387 - entry into force 01.07.2004]

(2) If a person is held in custody in the course of misdemeanour proceedings, it shall be included in the term of a punishment. Twenty-four hours of custody correspond to one day of detention or to ten fine units.

Division 2
Substitution of Imprisonment or Detention by Community Service

[RT I 2010, 44, 258 - entry into force 01.01.2012]

§ 69. Community service

(1) If a court imposes detention or imprisonment for a term of up to two years or enforces a conditional prison sentence imposed pursuant to the procedure provided for in §§ 73 or 74 of this Code, the court may substitute it by community service. One day of detention or imprisonment corresponds to two hours of community service

which minimum duration is five hours. Detention or imprisonment shall be substituted by community service only with the consent of the offender.

(2) The duration of community service shall not exceed eight hours a day. If an offender performs community service during the time free from his or her other work or studies, the duration of community service shall not exceed four hours a day. An offender shall not be remunerated for community service.

(3) When a court imposes community service, the court shall determine the term for the performance thereof which shall not exceed twenty-four months in the case of criminal offences and twelve months in the case of misdemeanours. A court may suspend the running of the term due to an illness or family situation of the offender or for a period during which the offender is in compulsory military service, alternative service or reserve service. Upon suspension of the term and upon determination of a new term, the court shall take into account the general term of community service prescribed for the respective offence.

(4) When performing community service, an offender shall observe supervisory requirements and perform the obligations imposed on him or her pursuant to the provisions of § 75 of this Code. If an obligation was imposed on an offender to participate in the social programme provided for in clause 75 (2) 8) of this Code, the hours of community service shall be deemed to be covered to the extent of up to 30 hours by the participation in the social programme.

(5) Legislation which regulates health protection and occupational health and safety extends to offenders who perform community service. If necessary, the court may, before substituting detention or imprisonment by community service, order the medical examination of the offender in order to ascertain whether the state of health of the offender enables him or her to perform community service.

(6) If an offender evades community service, fails to comply with supervisory requirements or perform the obligations imposed on him or her, the official enforcing the punishment may issue a written notice cautioning him or her or the court may impose additional obligations on the offender in accordance with the provisions of subsection 75 (2) of this Code, extend the term for the performance of community service, taking into consideration the general term provided for in subsection (3) of this section for performance of community service, or enforce the detention or imprisonment imposed on the offender. In the case of enforcement of detention or imprisonment, the sentence shall be deemed to be served to the extent of the community service performed by the offender, whereas one hour of community service corresponds to one day of detention or imprisonment. In the case of enforcement of detention of less than ten days, the sentence shall be deemed to be served to the extent of the hours of community service performed by the offender in proportion to the detention imposed.

(7) If an offender commits another criminal offence during the performance of community service and is sentenced to imprisonment, the unserved part of the community service imposed on the offender shall be substituted for pursuant to the ratio provided for in subsection (6) of this section. The aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 2[1]
Substitution of Imprisonment by Electronic Surveillance or Treatment

[RT I, 15.06.2012, 2 - entry into force 01.06.2013]

§ 69[1]. Substitution of imprisonment by electronic surveillance

(1) If a court imposes imprisonment of up to six months, the court may substitute the imprisonment by electronic surveillance. One day of imprisonment corresponds to one day of electronic surveillance. Imprisonment shall be substituted by electronic surveillance only with the consent of the offender.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) If an offender does not submit to electronic surveillance, fails to comply with supervisory requirements or perform the obligations imposed on him or her, the probation officer may issue a written notice cautioning him or her or the court may enforce the imprisonment substituted. If an offender withdraws his or her consent for application of electronic surveillance prior to expiry of the term of punishment, the court shall enforce the imprisonment substituted.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) If an offender commits another criminal offence after the pronouncement of the conviction but before the sentence is served in full, the unserved part of the sentence imposed by the previous judgment shall be added to

the punishment imposed for the new offence in accordance with subsection 65 (2) of this Code, whereas the time of electronic surveillance shall not be included in the punishment served.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 69[2]. Substitution of imprisonment by treatment

(1) If imprisonment of six months up to two years is imposed on a person for an act which he or she committed due to a treatable or controllable mental disorder, the court may substitute the imprisonment by treatment.

(2) The provisions of subsection (1) of this section may be applied only as partial substitution in the case of complex treatment of sex offenders.

(3) The provisions of subsection (1) of this section may be applied as a prerequisite for release on parole.

(4) Imprisonment is substituted by treatment only with the person's written consent which he or she can give after all the impacts of the treatment have been explained to him or her.

(5) The term of treatment shall not be shorter than eighteen months or longer than three years.
[RT I, 26.02.2014, 1 - entry into force 08.03.2014]

(6) For the purposes of this Act, treatment is:
1) addiction treatment of drug addicts to a person who committed a criminal offence due to drug addiction;
[RT I, 26.02.2014, 1 - entry into force 08.03.2014]
2) complex treatment of adult sex offenders to a person who committed a criminal offence due to sexual orientation disorder.

(7) The treatment consists of subjection of an offender to in-patient or out-patient treatment which objective is to treat the mental disorder which was the reason for commission of the criminal offence or to control such disorder.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(8) During the treatment, an offender shall observe supervisory requirements and perform the obligations imposed on him or her pursuant to the provisions of § 75 of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(9) If an offender evades treatment, fails to comply with supervisory requirements or perform the duties imposed on him or her, the probation officer may issue a written notice cautioning him or her or the court may impose additional obligations on him or her in accordance with the provisions of subsection 75 (2) of this Code and additionally submit the offender to electronic surveillance with his or her consent or enforce the imprisonment imposed on the offender. If an offender withdraws his or her consent for application of treatment prior to the end of the term of treatment or if treatment is suspended with respective prescription of a doctor due to side effects of the treatment or other medical indications, the court shall enforce the imprisonment imposed on the offender.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(10) If an offender commits a new criminal offence during the period of treatment and is sentenced to imprisonment, administration of treatment shall be terminated with regard to him or her and an aggregate punishment shall be imposed on him or her pursuant to the provisions of subsection 65 (2) of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(11) Treatment shall be financed pursuant to the procedure provided for in the Health Services Organisation Act.
[RT I, 15.06.2012, 2 - entry into force 01.06.2013]

Division 3
Substitution of Pecuniary Punishment, Fine or Fine to Extent of Assets

§ 70. Substitution of pecuniary punishment by imprisonment, community service or addiction treatment

[RT I, 23.02.2011, 2 - entry into force 05.04.2011]

(1) If an offender fails to pay the amount of pecuniary punishment imposed on him or her, the court shall substitute the punishment by imprisonment or, with the consent of the offender, by community service pursuant to the procedure provided for in § 69 of this Code or addiction treatment of drug addicts provided for in § 69[2]of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) Three daily rates of a pecuniary punishment correspond to one day of imprisonment.

(3) In the case of substitution of a pecuniary punishment by imprisonment, the minimum term of the imprisonment shall be ten days.

§ 71. Substitution of fine to extent of assets by imprisonment

(1) If an offender fails to pay the amount of the fine imposed on him or her to the extent of his or her assets, the court shall substitute the fine by imprisonment. Fifty minimum daily rates of a fine to the extent of assets correspond to one day of imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) In the case of substitution of a fine to the extent of assets by imprisonment, the minimum term of the imprisonment shall be thirty days and maximum term shall be five years.

§ 72. Substitution of fine by detention or community service

[RT I 2010, 44, 258 - entry into force 01.01.2012]

(1) If an offender fails to pay a fine imposed on him or her, the court shall substitute the fine to the extent of the unpaid part thereof by detention or, with the consent of the offender, by community service pursuant to the procedure provided for in § 69 of this Code.
[RT I 2010, 44, 258 - entry into force 01.01.2012]

(2) Ten fine units correspond to one day of detention. If the fine imposed on the offender is from three to nine fine units, the fine shall correspond to one day of detention upon substitution of detention by community service.
[RT I 2010, 44, 258 - entry into force 01.01.2012]

(3) In the case of substitution of fine by detention, the minimum term of detention shall be one day.

Chapter 5
RELEASE FROM PUNISHMENT

§ 73. Probation

(1) If a court, taking into consideration the circumstances relating to the commission of a criminal offence and the personality of the offender, finds that service of the imprisonment imposed for a specified term or payment of the amount of the pecuniary punishment by the offender is unreasonable, the court may order suspension of the sentence on probation. Unless otherwise provided for in subsections (4) or (5) of this section, in such case the imposed punishment shall not be enforced in full or in part if the offender does not commit a new intentional criminal offence within the period of probation determined by the court.

(2) If the court decides that imprisonment or a pecuniary punishment imposed is not to be executed in part, the court shall determine the part of the imprisonment or pecuniary punishment which is to be borne or paid immediately and such part of the imprisonment or pecuniary punishment the execution of which is conditionally suspended. Duration of the imprisonment to be served immediately by a person who at the time of commission of the criminal offence is less than eighteen years of age is up to 30 days.

(3) Probation shall be ordered for a period of one to five years.

(4) If an offender commits a new criminal offence during the period of probation and is sentenced to imprisonment, an aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code. If the new criminal offence was committed through negligence, the court may order release on probation from serving the aggregate punishment for the second time. If the new criminal offence was committed intentionally, a court may order release on probation from serving the aggregate punishment for the second time with subjection of the offender to electronic surveillance pursuant to the procedure provided for in clause 75 (2) 9) of this Code. In the case of enforcement of sentence of imprisonment, the court may substitute imprisonment by community service pursuant to the procedure provided in § 69 of this Code.

(5) If an offender commits a new criminal offence during the period of probation and is punished by a pecuniary punishment, an aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code. In such case the court may decide not to enforce the punishment imposed for the previous criminal offence and order separate enforcement of the pecuniary punishment imposed for the new offence.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 74. Probation with subjection of offender to supervision of conduct

(1) If a court, taking into consideration the circumstances relating to the commission of a criminal offence and the personality of the offender, finds that the service of the imposed imprisonment for a specified term by the offender is unreasonable, the court may order suspension of the sentence on probation. Unless otherwise provided for in subsections (4) to (6) of this section, in such case the imposed punishment shall not be enforced in full or in part if the offender does not commit a new criminal offence within the period of probation determined by the court and complies with supervisory requirements and obligations imposed on him or her for the probation period pursuant to § 75 of this Code. The obligation of electronic surveillance provided for in clause 75 (2) 9) of this Code may be imposed on the offender in the case provided for in subsection (4) of this section.

(2) If the court decides that imposed imprisonment is partially not enforced, the court shall determine the part of the imprisonment to be borne immediately and such part of the imprisonment which is suspended on probation. Duration of the imprisonment to be served immediately by a person who at the time of commission of the criminal offence is less than eighteen years of age shall not exceed 30 days.

(3) Probation shall be imposed for a period of six months to three years.

(4) If, during a period of probation, an offender fails to comply with the supervisory requirements or perform the obligations imposed on him or her, the probation officer may issue a written notice cautioning him or her or the court may impose additional obligations pursuant to the provisions of subsection 75 (2) of this Code, extend the period of probation by one year or enforce the punishment.

(5) If an offender commits a new criminal offence during the period of probation and is sentenced to imprisonment, an aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code. If the new criminal offence was committed through negligence, the court may order release on probation from serving the aggregate punishment for the second time. If the new criminal offence was committed intentionally, a court may order release on probation from serving the aggregate punishment for the second time with subjection of the offender to electronic surveillance pursuant to the procedure provided for in clause 75 (2) 9) of this Code. In the case of enforcement of sentence of imprisonment, the court may substitute imprisonment by community service pursuant to the procedure provided in § 69 of this Code.

(6) If an offender commits a new criminal offence during the period of probation and is punished by a pecuniary punishment, an aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code. In such case the court may decide not to enforce the punishment imposed for the previous criminal offence and order separate enforcement of the pecuniary punishment imposed for the new offence.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 75. Supervision of conduct

(1) During supervision of conduct, an offender is required to comply with the following supervisory requirements:
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
1) to reside in a permanent place of residence determined by the court;
2) to report at intervals determined by the probation supervisor at the probation supervision department;
3) to submit, in his or her place of residence, to the supervision of the probation officer and provide the probation officer with information relating to the performance of the offender's obligations and his or her means of subsistence;
4) to obtain the permission of a probation officer before leaving his or her place of residence within the territory of Estonia for longer than fifteen days;
[RT I, 20.12.2012, 3 - entry into force 01.01.2013]
5) to obtain the permission of the probation officer before changing residence, employment or place of study;
6) to obtain the permission of a probation officer before leaving the territory of Estonia and staying outside the territory of Estonia.
[RT I, 20.12.2012, 3 - entry into force 01.01.2013]

(2) Taking into consideration the circumstances relating to the commission of the criminal offence and the personality of the offender, the court may impose the following obligations on the offender for the period of supervision of conduct:
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
1) to remedy the damage caused by the criminal offence within a term determined by the court;
2) not to consume alcohol;
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
2^1) not to possess or use narcotic drugs or psychotropic substances;
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
3) not to hold, carry or use weapons;
4) to seek employment, acquire general education or a profession within the term determined by the court;
5) to undergo the prescribed treatment if the offender has previously consented to such treatment;
6) to perform the maintenance obligation;
7) not to stay in places determined by the court or communicate with persons determined by the court;
8) to participate in social programmes;

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
9) to submit to electronic surveillance if the offender has previously consented to such surveillance.
[RT I 2010, 44, 258 - entry into force 01.01.2011]

(3) A court may mitigate or annul the obligations imposed on an offender for the period of supervision of conduct or impose additional obligations on the offender pursuant to the provisions of subsection (2) of this section.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) If an offender promises to improve conduct and assumes obligations not listed in subsection (2) of this section, the court may approve them as obligations.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(5) Compliance with the supervisory requirements specified in subsection (1) of this section shall be suspended during the time of the serving of a partially enforced imprisonment.

(6) If an offender has complied for at least six months during the period of probation with the supervisory requirements determined for him or her on the basis of subsections (1) to (4) of this section and performed the obligations imposed on him or here, a court may release the offender from further compliance with the supervisory requirements and performance of the obligations imposed on him or her for the term of supervision of conduct. In such case, the offender shall be obliged to refrain from commission of new criminal offences up to the end of the period of probation.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 75[1]. Electronic surveillance

(1) Electronic surveillance is the obligation imposed on an offender for the term determined by the court to submit to monitoring of compliance with restrictions of freedom of movement or prohibition on consumption of narcotic drugs or psychotropic substances or alcohol by an electronic device which is attached to the body of the offender and permits determination of the location of the offender or consumption of alcohol or narcotic drugs or psychotropic substances. The type of devices of electronic surveillance shall be chosen by the probation officer.

(2) Prior to application of electronic surveillance, the court shall order medical examination of the offender as necessary in order to verify whether the state of health of the offender allows his or her submission to electronic surveillance.

(3) The term of electronic surveillance may be determined:
1) in the case of a criminal offence in the second degree or a criminal offence in the first degree through negligence from one month to six months;
2) in the case of an intentionally committed criminal offence in the first degree from one month to twelve months.

(4) The term of electronic surveillance shall begin to run from the date on which the electronic surveillance device is attached to the body of the offender.

(5) A court may extend or shorten the term of electronic surveillance imposed on an offender, taking into account the restriction provided for in clause (3) 2) of this section.

(6) If an offender withdraws his or her consent for application of electronic surveillance prior to the end of the term of electronic surveillance, the court shall enforce the part of the punishment which was not served.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 76. Release on parole

(1) A court may release an offender convicted in a criminal offence in the second degree or criminal offence in the first degree through negligence on parole, if he or she has actually served:
1) at least one-third but not less than four months of the term of the imposed punishment and agrees to the application of the electronic surveillance provided for in clause 75 (2) 9) of this Code; or
2) at least one-half but not less than four months of the term of the imposed punishment.

(2) A court may release an offender convicted in an intentionally committed criminal offence in the first degree on parole, if he or she has actually served:
1) at least one-half but not less than four months of the term of the imposed punishment and agrees to the application of the electronic surveillance provided for in clause 75 (2) 9) of this Code; or
2) at least two-thirds but not less than four months of the term of the imposed punishment.

(3) An offender shall not be released on parole if the offender has been punished by at least two years of imprisonment and has less than two months of the term of the imposed punishment to serve.

(4) In deciding release on parole, the court shall take into consideration the circumstances relating to the commission of the criminal offence, the personality of the offender, his or her previous personal history and conduct during the service of the sentence, his or her living conditions and the consequences which release on parole may bring about for the offender.

(5) A period of probation shall be determined to the extent of the unserved part of the term of the punishment but for not less than six months. During the period of probation, an offender shall be subjected to supervision of conduct provided for in § 75 of this Code but for not longer than up to twenty-four months.

(6) If an offender is released on probation on the basis of clause (1) 2) or (2) 2) of this section, the court may impose an additional obligation, with his or her consent, to submit to the electronic surveillance provided by clause 75 (2) 9) of this Code.

(7) If an offender fails, during a period of probation, to comply with supervisory requirements, perform the obligations imposed on him or her or fails to submit to electronic surveillance, a probation officer may issue a written notice cautioning him or her or the court may impose additional obligations according to the provisions of subsection 75 (2) of this Code, extend the term of supervision of conduct up to the end of the period of probation or enforce the part of the punishment which was not served.

(8) If an offender commits a new intentional criminal offence during a period of probation and is sentenced to imprisonment, the unserved part of the sentence shall be enforced. In such case, the aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 76[1]. Release on parole of offender who was minor at time of commission of criminal offence

(1) A court may release on parole an offender who was younger than eighteen years of age at the time of commission of the criminal offence:
1) in the case of a criminal offence in the second degree or a criminal offence in the first degree through negligence if he or she has actually served at least one-third of the term of the imposed punishment but not less than four months;
2) in the case of an intentionally committed criminal offence in the first degree if he or she has actually served at least one-half of the term of the imposed punishment but not less than four months.

(2) A court releases on parole an offender who was younger than eighteen years of age at the time of commission of the criminal offence, in the case of a criminal offence in the second degree or a criminal offence in the first degree through negligence if he or she has actually served at least one-half of the term of the punishment imposed but not less than four months.

(3) The provisions of § 76 of this Code apply to deciding release on parole and imposing supervisory requirements and obligations and failure to comply with these and commission of a new intentional criminal offence during the period of probation.

(4) If a court has enforced, according to subsection 76 (7) of the Code of Criminal Procedure, the part of the punishment of an offender which was not served, the mandatory release requirement provided for in subsection (2) of this section shall not apply.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 77. Release on parole in case of life imprisonment

(1) If a person has been sentenced to life imprisonment, the court may release the person on parole if the offender has actually served at least thirty years of the term of the punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) When releasing a person specified in subsection (1) of this section on parole, the provisions of subsection 76 (4) of this Code shall be taken into consideration.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) Probation shall be ordered for a period of five to ten years.

(4) If a person commits a new intentional criminal offence during a period of probation, he or she shall be ordered to serve the sentence of life imprisonment.

§ 78. Calculation of period of probation

A period of probation commences to run as of:
1) pronouncement of the court decision in the cases provided for in §§ 73 and 74 of this Code, with the exception of the requirements of supervision of conduct provided for in § 75 of this Code which application shall be commenced after the entry into force of the court decision;

2) entry into force of the court decision in the cases provided for in §§ 76, 76[1] and 77 of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 79. Release from punishment due to terminal illness of person

(1) If a person suffers from a terminal illness, the court may release him or her from bearing the punishment. In such case, the court shall take into consideration the circumstances relating to the criminal offence committed, the personality of the offender and the nature of the illness.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) If a person is mentally capable at the time he or she commits a criminal offence but, before or after the making of the court judgment, becomes mentally ill or feeble-minded or suffers from another severe mental disorder and the person is incapable of understanding the unlawfulness of his or her act or to act according to such understanding, the court shall release the person from the punishment or the bearing thereof. In such case, the court shall act pursuant to the provisions of § 86 of this Code.

(3) If a person specified in subsections (1) or (2) of this section recovers before the expiry of a limitation period provided for in § 82 of this Code, the court may enforce the punishment or the unserved part thereof.

§ 80. Release from punishment in case person is seriously injured as result of criminal offence

If an offender is seriously injured as a result of committing a criminal offence punishable by imprisonment for a term of up to five years, the court may release the person from the punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Chapter 6
LIMITATION PERIODS

§ 81. Limitation period of offence

(1) No one shall be convicted of or punished for a criminal offence if the following terms have expired between the completion of the criminal offence and the entry into force of the corresponding court judgment:
1) ten years in the case of a criminal offence in the first degree;
2) five years in the case of a criminal offence in the second degree.

(2) Crimes of aggression, crimes of genocide, crimes against humanity, war crimes and criminal offences for which life imprisonment is prescribed do not expire.

(3) A misdemeanour expires after two years have passed between the completion thereof and the entry into force of a judgment or decision, unless the law prescribes a limitation period of three years.

(4) In the case of an intermittent offence, the limitation period shall be calculated as of the completion of the last act. In the case of a continuous offence, the limitation period shall be calculated as of the termination of the continuous act.

(5) The limitation period of a criminal offence is interrupted with the performance of the following procedural act in the criminal proceeding:
1) application of a preventive measure with regard to the suspect or accused, or seizure of his or her property, or property which is the object if money laundering;
2) the prosecution of the accused;
3) adjournment of the hearing of a matter in the case the accused fails to appear;
4) interrogation of the accused in the court hearing;
5) ordering of expert assessment or additional evidence in the court hearing.

(6) If the limitation period of a criminal offence is interrupted, the limitation period shall commence again with the performance of the procedural act provided in subsection (5) of this section. A person shall however not be convicted of or punished for a criminal offence if the period between the completion of the criminal offence and the entry into force of the corresponding court judgment is five years longer than the term provided for in subsection (1) of this section.

(6[1]) Specifications for suspension of expiry of limitation periods of criminal offences in connection with immunity of members of the *Riigikogu* is provided for in § 18[1] of the Status of Members of the *Riigikogu* Act.
[RT I, 22.12.2014, 9 - entry into force 01.01.2015]

(7) The limitation period of offence is interrupted:

1) in the case a suspect, accused or person subject to proceedings absconds from pre-trial proceedings, extra-judicial proceedings or court, until the person is detained or appears before the body conducting the proceedings;
2) upon commencement of criminal proceedings in a matter of an act with elements of a misdemeanour, until the termination of the criminal proceedings;
3) in the case of a criminal offence against sexual self-determination against a person younger than eighteen years of age, until the victim attains eighteen years of age unless the reason for the criminal proceedings became evident before the victim attained such age.

(8) In the cases provided by clauses (7) 1) and 2) of this section the limitation period shall not be resumed if more than fifteen years have passed from the completion of the criminal offence. The limitation period of a misdemeanour shall not be resumed if more than three years have passed from the completion of the misdemeanour. In the case the limitation period of a misdemeanour is three years, it shall not be resumed if ten years have passed from the completion of the misdemeanour.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 82. Limitation period for execution of judgment or decision

(1) A judgment shall not be executed if the following terms have expired after the entry into force of the judgment:
1) five years from entry into force of a court judgment made in a matter concerning a criminal offence in the first degree;
2) three years from entry into force of a court judgment made in a matter concerning a criminal offence in the second degree;
3) one year from entry into force of a judgment or decision made with regard to a misdemeanour.
[RT I 2009, 68, 463 - entry into force 01.01.2010]

(2) The limitation period for the execution of a judgment is suspended:
1) for the period during which the person evades service or payment of the punishment imposed on him or her;
2) for a period of probation imposed on the basis of the provisions of § 73 or 74 of this Code;
3) for the period during which enforcement of the punishment imposed on the person is postponed or by which the term of the punishment has been extended;
4) for the period during which the person is in a foreign state and is not or cannot be extradited.

(2^1) The limitation period for the execution of a judgment shall not hinder the adding of the unserved part of the punishment imposed thereby to the punishment imposed for a new criminal offence on the basis of subsection 65 (2) of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) The limitation period for execution of a conviction does not expire if life imprisonment has been imposed as punishment.

(4) A claim for the payment of a fine enforced shall expire if the fine has not been collected within four years after the entry into force of a decision made in the misdemeanour matter. The limitation period for the enforcement is suspended during the time the debtor spends in a prison or house of detention.
[RT I 2009, 68, 463 - entry into force 01.01.2010]

(5) A claim for payment of an enforced pecuniary punishment or fine to the extent of assets expires if the pecuniary punishment pursuant or fine to the extent of assets has not been collected within seven years after the entry into force of the court judgment made in the criminal matter. The limitation period for the enforcement is suspended during the time the debtor spends in a prison.
[RT I 2009, 68, 463 - entry into force 01.01.2010]

Chapter 7
OTHER SANCTIONS

§ 83. Confiscation of object used to commit offence and direct object of offence

(1) A court may apply confiscation of the object used to commit an intentional offence if it belongs to the offender at the time of the making of the judgment or ruling.

(2) In the cases provided by law, a court may confiscate the substance or object which was the direct object of the commission of an intentional offence, or the substance or object used for preparation of the offence if these belong to the offender at the time of the making of the judgment and confiscation thereof is not mandatory pursuant to law.

(3) As an exception, a court may confiscate the objects or substance specified in subsections (1) and (2) of this section if it belongs to a third person at the time of the making of the judgment or ruling and the person:
1) has, at least through recklessness, aided in the use of the objects or substance for the commission or preparation of the offence,

2) has acquired the objects or substance, in full or in the essential part, on account of the offender, as a present or in any other manner for a price which is considerably lower than the normal market price; or
3) knew that the objects or substance was transferred to the person in order to avoid confiscation thereof.

(3^1) If the object used to commit an intentional offence or direct object of offence was used by the person on the basis of a contract for use or contract of sale with a reservation on ownership, a court many confiscate the proprietary rights of the person arising from that contract.
[RT I 2008, 54, 304 - entry into force 27.12.2008]

(4) In the absence of the permission necessary for the possession of an object or substance, such object or substance shall be confiscated.

(5) In the cases provided for in subsection (4) of this section, a device, object or substance may be confiscated if the person has committed at least an unlawful act.

(6) In the cases provided for in subsections (1), (2) and (4) of this section, the object used to commit a misdemeanour or the substance or object which was the direct object of a misdemeanour may be confiscated by the body conducting extra-judicial proceedings prescribed by law.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 83^1. Confiscation of assets acquired through offence

(1) A court shall confiscate of the assets acquired through an offence object if these belong to the offender at the time of the making of the judgment or ruling.

(2) As an exception, a court shall confiscate the assets or substance specified in subsection (1) this section if these belong to a third person at the time of the making of the judgment or ruling, and if:
1) these were acquired, in full or in the essential part, on account of the offender, as a present or in any other manner for a price which is considerably lower than the normal market price; or
2) the third person knew that the assets were transferred to the person in order to avoid confiscation.

(3) The court may decide not to confiscate, in part or in full, property acquired through offence if, taking account of the circumstances of the offence or the situation of the person, confiscation would be unreasonably burdensome or if the value of the assets is disproportionally small in comparison to the costs of storage, transfer or destruction of the property. The court may, for the purpose of satisfaction of a civil action, decrease the amount of the property or assets to be confiscated by the amount of the object of the action.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 83^2. Extended confiscation of assets acquired through criminal offence

(1) If a court convicts a person of a criminal offence and imposes imprisonment for a term of at least one year or life imprisonment, the court may, in the cases provided in this Code, confiscate a part or all of the criminal offender's assets if these belong to the offender at the time of the making of the judgment, and if the nature of the criminal offence, the legal income, or the difference between the financial situation and the standard of living of the person, or another fact gives reason to presume that the person has acquired the assets through commission of the criminal offence. Confiscation is not applied to assets with regard to which the person certifies that such assets have been paid for in full or in essential part out of lawfully received funds.
[RT I, 26.02.2014, 1 - entry into force 08.03.2014]

(1^1) If a court convicts a legal person of a criminal offence, the court may, in the cases provided in this Code, confiscate a part or all of the criminal offender's assets if these belong to the legal person at the time of the making of the judgment, and if the nature of the criminal offence or other facts give reason to presume that the principal activity of the legal person is aimed at committing offences and the assets have been acquired through commission of the criminal offence. Confiscation is not applied to assets with regard to which the person certifies that such assets have been paid for in full or in essential part out of lawfully received funds.
[RT I, 26.02.2014, 1 - entry into force 08.03.2014]

(2) As an exception, a court may confiscate the assets of a third person on the bases and to the extent specified in subsection (1) this section if these belong to the third person at the time of the making of the judgment or ruling, and if:
1) these were acquired, in full or in the essential part, on account of the offender, as a present or in any other manner for a price which is considerably lower than the normal market price; or
2) the third person knew that the assets were transferred to the person in order to avoid confiscation.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

(3) Confiscation shall not be applied to assets of a third party which have been acquired:
1) earlier than ten years as of the commission of a criminal offence in the first degree, or

2) earlier than five years as of the commission of a criminal offence in the second degree.
[RT I, 26.02.2014, 1 - entry into force 08.03.2014]

(4) Upon extended confiscation of assets acquired through criminal offence, the court shall take account of the provisions of subsection 83^1(3) of this Code.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 84. Substitution of confiscation

If assets acquired by an offence have been transferred, consumed or the confiscation thereof is impossible or unreasonable for another reason, the court may order payment of an amount which corresponds to the value of the assets subject to confiscation.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 85. Effect of confiscation

(1) Confiscated objects shall be transferred into state ownership or, in the cases provided for in an international agreement, shall be returned.

(2) In the case of confiscation, the rights of third persons remain in force. The state shall pay compensation to third persons, except in the cases provided for in subsections 83 (3) and (4), 83^1(2) and 83^2(2) of this Code.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

(3) Before entry into force, the decision of a body conducting extra-judicial proceedings or court concerning confiscation has the effect of a restraint on disposition.
[RT I, 26.02.2014, 1 - entry into force 08.03.2014]

§ 86. Coercive psychiatric treatment

(1) If, at the time of commission of an unlawful act, the person lacks capacity or if he or she, after the making of the court judgment but before the service of the full sentence, becomes mentally ill or feeble-minded or suffers from any other severe mental disorder, or if it is established during preliminary investigation or the court hearing of the matter that the person suffers from one of the aforementioned conditions and therefore his or her mental state at the time of commission of the unlawful act cannot be ascertained and he or she poses danger to himself or herself and to the society due to his or her unlawful act and mental state and is in need of treatment, the court shall order coercive psychiatric treatment of the person.
[RT I, 05.07.2013, 2 - entry into force 15.07.2013]

(1^1) The coercive psychiatric treatment imposed by a court shall be initially administered in the form of in-patient treatment.
[RT I, 23.02.2011, 1 - entry into force 01.09.2011]

(1^2) Coercive psychiatric treatment may be administered in the form of out-patient treatment if the person does not pose danger to himself or herself and the society upon subjection to coercive psychiatric treatment and it is likely that the person adheres to the treatment regime.
[RT I, 23.02.2011, 1 - entry into force 01.09.2011]

(2) The treatment specified in subsection (1) of this section shall be provided by a health care provider holding an activity licence for coercive psychiatric treatment.
[RT I, 23.02.2011, 1 - entry into force 01.09.2011]

(3) Coercive psychiatric treatment shall be applied until the person recovers or ceases to pose danger. Termination of a treatment shall be ordered by the court.

(3^1) [Repealed - RT I, 05.07.2013, 2 - entry into force 15.07.2013]

(4) If a punishment is imposed on a person after coercive psychiatric treatment, the period of coercive psychiatric in-patient treatment shall be included in the term of the punishment. One day of day care coercive in-patient treatment corresponds to one day of imprisonment.
[RT I, 05.07.2013, 2 - entry into force 15.07.2013]

§ 87. Sanctions applicable to minors

(1) Taking into account the level of the moral and mental development of a person of fourteen to eighteen years of age and his or her ability to the understand the unlawfulness of his or her act or to act according to such understanding, the court may release the person from punishment and impose the following sanctions on him or her:
1) admonition;
2) subjection to supervision of conduct pursuant to the provisions of § 75 of this Code;
3) placement in a youth home;
4) placement in a school for pupils who need special treatment due to behavioural problems.

5) referral to social programmes.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) A court may subject a person of less than eighteen years of age to supervision of conduct for up to one year. In the case of failure to comply with supervisory requirements or perform the obligations imposed, the probation officer may issue a written notice cautioning him or her or the court may extend the term of supervision of conduct imposed on him or her by up to one year or as an exception until the offender attains eighteen years of age or impose additional obligations according to the provisions of subsection 75 (2) of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) A person of less than eighteen years of age is placed in a youth home or a school for pupils who need special treatment due to behavioural problems for up to two years, taking into consideration the end of the academic year. The court may extend the term of stay in a youth home or a school for pupils who need special treatment due to behavioural problems by up to one year, taking into consideration the end of the academic year.
[RT I 2004, 46, 329 - entry into force 01.07.2004]

(4) A court may alter the type of sanctions provided for in clauses (1) 2) to 5) of this section.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 87[1]. Supervision of conduct after service of sentence

(1) A court may impose supervision of conduct of a person after service of sentence pursuant to the provisions of § 75 of this Act if:
[RT I, 26.02.2014, 1 - entry into force 08.03.2014]
1) the person has been punished for an intentionally committed criminal offence by at least two years of imprisonment and he or she has served in full the imprisonment imposed;
2) prior to the commission of the criminal offence specified in clause 1) of this section, her or she has been also punished for an intentionally committed criminal offence by at least one year of imprisonment and
3) taking into consideration the circumstances relating to the commission of the criminal offence, the personality of the offender, his or her previous personal history and conduct during the service of the sentence, and his or her living conditions and the consequences for the offender of potential application of supervision of conduct after service of the sentence, there is reason to believe that he or she may commit new criminal offences
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) If a person has been punished for an intentional criminal offence specified in Divisions 1, 2, 6 and 7 of Chapter 9, Division 2 of Chapter 11 or Divisions 1 and 4 of Chapter 22 or an intentional criminal offence specified in another chapter, which necessary elements of a criminal offence include use of violence, by at least two years of imprisonment, the application of supervision of conduct after service of the sentence does not require the prior conviction specified in clause (1) 2) of this section.

(3) The supervision of conduct after service of the sentence shall be imposed for the term of twelve months to three years.

(4) If an offender fails to comply with supervisory requirements or perform the obligations imposed on him or her, the probation officer may issue a written notice cautioning him or her or the court may extend the term of supervision of conduct by up to one year at a time or impose additional obligations pursuant to the provisions of subsection 75 (2) of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(5) A court may mitigate or annul the obligations imposed on an offender for the period of supervision of conduct.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(6) Supervision of conduct after service of the sentence expires before the expiry of the term in the following cases:
1) commencement of the service of imprisonment or ordering of coercive psychiatric treatment or
2) application to new supervision of conduct pursuant to the provisions of § 74 of this Code.
[RT I 2009, 39, 261 - entry into force 24.07.2009]

§ 87[2]. Detention after service of sentence

[Repealed - RT I, 05.07.2013, 2 - entry into force 15.07.2013]

§ 87[3]. Termination of detention after service of sentence

[Repealed - RT I, 05.07.2013, 2 - entry into force 15.07.2013]

Part 2
SPECIAL PART

Chapter 8
OFFENCES AGAINST HUMANITY AND INTERNATIONAL SECURITY

Division 1
General Provisions

§ 88. Punishment for criminal offences provided for in this Chapter

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) For a criminal offence provided for in this Chapter, the representative of state powers or the military commander who issued the order to commit the criminal offence, consented to the commission of the criminal offence or failed to prevent the commission of the criminal offence although it was in his or her power to do so or who failed to submit a report of a criminal offence while being aware of the commission of the criminal offence by his or her subordinates shall also be punished in addition to the principal offender.

(2) Commission of a criminal offence provided for in this Chapter pursuant to the order of a representative of state powers or a military commander shall not preclude punishment of the criminal offender.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 2
Offences against Humanity

§ 89. Crimes against humanity

(1) Systematic or large-scale deprivation or restriction of human rights and freedoms, instigated or directed by a state, organisation or group, or killing, torture, rape, causing health damage, forced displacement, expulsion, subjection to prostitution, unfounded deprivation of liberty, or other abuse of civilians,
is punishable by eight to twenty years' imprisonment or life imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 90. Genocide

(1) Killing or torturing, with the intention of destroying, in whole or in part, of members of a national, ethnic, racial or religious group, a group resisting occupation or any other social group, causing of health damage to members of the group, imposing of coercive measures preventing childbirth within the group or forcibly transferring of children of the group, or subjecting of members of such group to living conditions which have caused the risk of total or partial physical destruction of the group,
is punishable by eight to twenty years' imprisonment or life imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

Division 3
Offences against Peace

§ 91. Crimes of aggression

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Participation in the management, execution or preparation of an act of aggression controlling or directing the activities of the state or threatening with an act of aggression by a representative of the state
is punishable by eight to twenty years' imprisonment or life imprisonment.

(2) The same act, if committed by a legal person,

is punishable by a pecuniary punishment.

(3) For the purposes of this Code, an act of aggression is the use of armed forced by one state in conflict with international law against another state.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 92. Propaganda for war

(1) Any incitement to war or other use of arms in violation of the generally recognised principles of international law
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2006, 31, 234 - entry into force 16.07.2006]

§ 93. Development and handling of prohibited weapons

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Designing, manufacturing, storing, acquiring, handing over, selling or providing or offering for use in any other manner of a chemical, biological or bacteriological weapon or any other internationally prohibited weapon of mass destruction or other weapon, or essential components thereof,
is punishable by three to twelve years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 93[1]. Failure to apply international sanctions

(1) Knowing performance of acts or transactions with a subject of an international sanction or knowing failure to apply other international sanctions
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.
[RT I 2010, 26, 129 - entry into force 05.10.2010]

Division 4
War Crimes

§ 94. Punishment for offences not provided for in this Division

(1) Offences committed in war time which are not provided for in this Division are punishable on the basis of other provisions of the Special Part of this Code.

(2) A person who commits an offence provided for in this Division shall be punished only for the commission of a war crime even if the offence comprises the necessary elements of other offences provided for in the Special Part, except for the necessary elements of criminal offences provided for in Divisions 2 and 3 of this Chapter.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 95. Acts of war against civilian population

(1) Attacking of civilians in war zones or destroying or rendering unusable food or water supplies, sown crops or domestic animals indispensable for the survival of civilian population, hindering access thereto or attacking structures or equipment containing dangerous forces,
is punishable by six to twenty years' imprisonment or life imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 96. Illegal use of means of warfare against civilians

(1) Use of means of warfare in a manner not allowing discriminating between military and civilian objects and thereby causing of death of civilians, health damage to civilians, damage to civilian objects or danger to the life, health or property of civilians
is punishable by six to twenty years' imprisonment or life imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 97. Attacks against civilians

(1) Commission of an act of violence against a civilian or threatening with it in a war zone or an occupied territory, endangering of him or her or failure to provide assistance to him or her, his or her inhuman treatment, compelling him or her to participate in human researches or to supply organ or tissue, commission of an offence against sexual self-determination with respect to him or her, compelling to serve in the armed forces or participate in military operations of a hostile state, illegal deprivation of liberty or deprivation of the right to fair trial, and displacement of residents of an occupying state in an occupied territory or displacement of residents of an occupied territory
is punishable by six to fifteen years' imprisonment.

(2) Killing of a civilian in a war zone or in an occupied territory or commission of the act provided for in subsection (1) of this section with respect to him or her, if this:
1) causes the death of the victim; or
2) leads the victim to suicide or an attempt of suicide,
is punishable by eight to twenty years' imprisonment or life imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 98. Unlawful treatment of persons

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Mistreatment of a prisoner of a hostile party, including a prisoner of war or an interned civilian, or failure to perform his or her duties by a person required to take care of them, if this caused the situation of the prisoners to deteriorate but the act does not contain the necessary elements of an offence provided for in § 99 of this Code
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 98[1]. Restriction of rights of civilians and prisoners of war

(1) Unlawful restriction of the rights of civilians or prisoners of war on the basis of his or her nationality, citizenship, race, colour, sex, language, origin, religion, sexual orientation, political opinion, financial or social status
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 99. Attacks against prisoners

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Commission of an act of violence against a prisoner of a hostile party, including a prisoner of war or an interned civilian, or threatening with it, endangering of him or her or failure to provide assistance to him or her, compelling him or her to participate in human research or to supply organs or tissue, inhuman treatment of him or her, commission of an offence against sexual self-determination with respect to him or her, compelling him or her to serve in armed forces or deprivation of his or her right to fair trial, and unjustified delay in his or her release or repatriation,
is punishable by six to fifteen years' imprisonment.

(2) The same act, if it:
1) causes the death of the victim; or
2) leads the victim to suicide or an attempt of suicide,

is punishable by eight to twenty years' imprisonment or life imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 100. Refusal to provide assistance to sick, wounded or shipwrecked persons

(1) Refusal to provide assistance to a sick, wounded or shipwrecked person in a war zone, if such refusal causes the death of or health damage to the person,
is punishable by three to twelve years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 100[1]. Traitorous attach against combatant

(1) Killing of enemy combatants, causing serious damage to their health or their imprisonment in a manner which is prohibited under international humanitarian law
is punishable by six to fifteen years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 101. Attack against combatant hors de combat

(1) Commission of an act of violence against enemy combatants or threatening them with it after they are placed hors de combat by sickness, wounds or another reason or commission of an offence against sexual self-determination with respect to them
is punishable by six to fifteen years' imprisonment.

(2) Killing of enemy combatants after they are placed hors de combat by sickness, wounds or another reason or commission of an act provided for in subsection (1) of this section, if this:
1) causes the death of the victim; or
2) leads the victim to suicide or an attempt of suicide,
is punishable by eight to twenty years' imprisonment or life imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 102. Attacks against protected persons

(1) Commission of an act of violence against or commission of an offence against sexual self-determination with respect to a member of a medical unit with proper distinguishing marks, or any other person attending to sick or wounded persons, a minister of religion, a representative of an humanitarian organisation performing his or her duties in a war zone or a representative of the peacekeeping mission, a civil-defence worker, a member of a parliament, or a person accompanying such person or threatening with it, endangering of him or her or failure to provide assistance to him or her, his or her inhuman treatment, compelling him or her to participate in human researches or to supply organ or tissue, his or her unlawful deprivation of liberty or of his or her right to fair trial
is punishable by six to fifteen years' imprisonment.

(2) Killing of a member of a medical unit with proper distinguishing marks, or any other person attending to sick or wounded persons, a minister of religion, a representative of an humanitarian organisation performing his or her duties in a war zone or a or representative of the peacekeeping mission, a civil-defence worker, a member of a parliament, or a person accompanying such person or commission of the act with respect to him or her provided for in subsection (1) of this section, if this:
1) causes the death of the victim; or
2) leads the victim to suicide or an attempt of suicide,
is punishable by eight to twenty years' imprisonment or life imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 102[1]. Declaration of unpardonable conduct

(1) Declaration of not saving the life of an enemy combat or a protected person in the course of a military operation or invitation to do so
is punishable by one to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 102[2]. Use of human shields

(1) Protecting of specific military objects, areas or armed forces against military attacks by taking advantage of the presence of civilians or another people,
is punishable by one to five years' imprisonment.

(2) The same act, if it:
1) causes the death of the victim; or
2) leads the victim to suicide or an attempt of suicide,
is punishable by six to fifteen years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 102[3]. Engagement of children in armed conflicts

(1) Acceptance or recruitment of a person younger eighteen years of age in national armed forces or armed units separate from the national armed forced or engagement in acts of war
is punishable by one to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 103. Use of prohibited weapons

Use of biological, bacteriological or chemical weapons or other weapons of mass destruction, toxic weapons, toxic or asphyxiating gases, booby traps, i.e. explosives disguised as small harmless objects, expanding bullets, weapons injuring by fragments which escape X-rays, or other internationally prohibited weapons, or large-scale use of incendiary weapons under conditions where the military objective cannot be clearly separated from civilian population, civilian objects or the surrounding environment,
is punishable by three to twelve years' imprisonment.

§ 104. Environmental damage as method of warfare

(1) Knowing affecting of the environment as a method of warfare, if major damage is thereby caused to the environment,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 105. Exploitative abuse of emblems and marks designating international protection

(1) Exploitative abuse of an emblem or name of the red cross, red crescent or red lion and Sun or red crystal, or of a distinctive mark of a structure containing a camp of prisoners of war, a cultural monument, civil defence object or dangerous forces, or of the flag of truce,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 106. Attacks against non-military objects

(1) An attack against an object not used for military purposes, an object of a peacekeeping mission or means of transport, a demilitarised zone, hospital zone, medical institution or unit, a camp of prisoners of war or an internment camp, a settlement or structure without military protection, a neutral cargo vessel, aircraft or hospital ship or aircraft, or any other means of transport used for transportation of non-combatants,

is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 107. Attacks against cultural property

(1) Destruction, damaging or illegal appropriation of a cultural monument, church or other structure or object of religious significance, a work of art or science, an archive of cultural value, a library, museum or scientific collection not used for military purposes
is punishable by a pecuniary punishment or two to ten years' imprisonment.

(2) The same act, if major damage is caused,
is punishable by three to fifteen years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 108. Offences against property in war zone or occupied territory

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Illegal conquering of a thing of another, damaging or destruction of the thing in a war zone or an occupied territory by a person belonging to the armed forces or participating in acts of war, if such act is not required by military necessity and lacks the necessary elements of an offence provided for in § 95, 106 or 107 of this Code,
is punishable by two to ten years' imprisonment.

(2) The same act, if committed:
1) on a large-scale basis;
2) systematically;
3) by intrusion,
is punishable by three to fifteen years' imprisonment.

(3) The same act, if committed with regard to an object of small value and if no violence was used upon commission of the act and in the absence of the qualifying circumstances provided for in subsection (2) of this section,
is punishable by a fine of up to 300 fine units or by detention.

(4) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(5) An act provided for in subsection (3) of this section, if committed by a legal person,
is punishable by a fine of up to 10,000 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 109. Marauding

(1) Removal of an object adjacent to a person who has died or sustained wounds on the battlefield with the intention of illegal appropriation
is punishable by one to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

Division 5
Offences against International Security

§ 110. Piracy

(1) Attacking, seizure or destruction of a ship on the high seas or in a territory outside the jurisdiction of any state, or attacking or detention of persons on board such ship, or seizure or destruction of property on board such ship by using violence,
is punishable by two to ten years' imprisonment.

(2) The same act, if it:
1) causes the death of a person;
2) causes major damage; or
3) causes danger to the life and health of a large number of people,
is punishable by six to twenty years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 111. Hijacking of aircraft

(1) Unlawful assumption of the navigation of an aircraft in flight, or unlawful restriction of the free navigation rights of the crew of an aircraft using violence or deceit,
is punishable by five to fifteen years' imprisonment.

(2) The same act, if it:
1) causes the death of a person;
2) causes major damage; or
3) causes danger to the life and health of a large number of people,
is punishable by six to twenty years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(4) An aircraft is deemed to be in flight as of the moment of the commencement of boarding of the crew members or passengers or loading of the cargo, until the moment when the crew members or passengers have left the aircraft or the cargo has been unloaded.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 112. Attacks against flight safety

(1) Illegal carrying on board of an aircraft of devices or substances harmful to flight safety of the aircraft or installation thereof to an aircraft for the purpose of inflicting damage to an aircraft or life or health of people on board of the aircraft, shooting of an aircraft or causing the risk of an aircraft accident or aircraft incident
is punishable by a pecuniary punishment or two to ten years' imprisonment.

(2) The same act, if it:
1) causes the death of a person;
2) causes major damage; or
3) causes danger to the life and health of a large number of people,
is punishable by six to twenty years' imprisonment or life imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Chapter 9
OFFENCES AGAINST THE PERSON

Division 1
Offences against Life

§ 113. Manslaughter

(1) Manslaughter
is punishable by six to fifteen years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 114. Murder

(1) Manslaughter, if committed:
1) in a torturous or cruel manner;
2) in a manner which is dangerous to the public;
3) against two or more persons;
4) at least twice;

5) in connection with robbery or for the purpose of personal gain;
6) in order to conceal another offence or facilitate the commission thereof;
7) by using an explosive device or explosive substance,
8) in retaliation for professional activities;
is punishable by eight to twenty years' imprisonment or life imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 115. Manslaughter in provoked state

Manslaughter, if committed in a state of sudden extreme emotional disturbance caused by violence or insult inflicted on the killer or a person close to him or her by the victim,
is punishable by one to five years' imprisonment.

§ 116. Infanticide

Killing of her new-born child by a mother during delivery or immediately after delivery
is punishable by up to five years' imprisonment.

§ 117. Negligent homicide

(1) Killing another person through negligence
is punishable by up to three years' imprisonment.

(2) The same act, if it causes the death of two or more people,
is punishable by up to five years' imprisonment.
[RT I 2006, 31, 233 - entry into force 16.07.2006]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

Division 2
Offences against Health

Subdivision 1
Offences Hazardous to Health

§ 118. Causing serious health damage

(1) Causing health damage which results in:
1) danger to life;
2) a health disorder which persists for at least four weeks or which results in permanent loss of capacity for work to the extent of at least 40 per cent of total capacity for work;
3) severe mental disorder;
4) miscarriage;
5) permanent mutilating facial injury;
6) loss or cessation of functioning of an organ; or
7) death
is punishable by four to twelve years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) An act provided for in this subsection, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83^2 of this Code.
[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 119. Causing serious health damage through negligence

(1) Causing serious health damage through negligence
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if it causes serious damage to the health of two or more people,
is punishable by up to three years' imprisonment.
[RT I 2006, 31, 233 - entry into force 16.07.2006]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 119[1]. Participation in fight

(1) Participation in a fight and participation in an assault committed by two or more persons, if it causes serious damage or death of a person,
is punishable by up to five years' imprisonment.

(2) Participation in a fight is not wrongful if the person was involved in it against his or her will.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Subdivision 2
Acts of Violence

§ 120. Threat

(1) A threat to kill, cause health damage or cause significant damage to or destroy property, if there is reason to fear the realisation of such threat,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 121. Physical abuse

(1) Causing damage to the health of another person and physical abuse which causes pain
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act if:
1) it causes health damage which persists for at least four weeks;
2) committed in a close relationship or relationship of subordination; or
3) committed repeatedly,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 122. Torture

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 3
Offences Endangering Life and Health

§ 123. Placing in danger

(1) Placing or leaving another person in a situation which is life-threatening or likely to cause serious damage to the health of the person
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 124. Refusal to provide assistance

(1) Knowing refusal to provide assistance to a person who is in a life-threatening situation due to an accident or general danger, although such assistance could be provided without endangering the person providing assistance,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

Division 4
Illegal Termination of Pregnancy

§ 125. Termination of pregnancy against will

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
Termination of a pregnancy against the will of the pregnant woman
is punishable by three to twelve years' imprisonment.

§ 126. Unauthorised termination of pregnancy

(1) Termination of a pregnancy at the request of the pregnant woman by a person without the right arising from law to terminate pregnancy
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if the pregnancy has lasted for more than twenty-one weeks,
is punishable by up to five years' imprisonment.

§ 127. Termination of pregnancy later than permitted by law

Termination of the pregnancy of a woman by a person with the right to terminate pregnancy at the request of the pregnant woman later than permitted by law
is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 128. Consent to termination of pregnancy

A woman who consents to termination of her pregnancy by a person without the right arising from law to terminate pregnancy or termination of pregnancy later than permitted by law
is punishable by a pecuniary punishment.
[RT I 2002, 56, 350 - entry into force 01.09.2002]

Division 5
Illegal Treatment of Embryo or Foetus

§ 129. Damaging of embryo or foetus

(1) Damaging an embryo or foetus by injuring, administering a substance to or performing any other act with regard to the embryo or foetus while it is in the uterus of a woman if such act results in miscarriage or the death of the embryo or foetus
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 130. Prohibited acts with embryo

(1) Human cloning or creating a human hybrid or human chimera
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 131. Abuse of human embryo or foetus

(1) Creating of a human embryo or foetus in vitro without the intention to transfer the embryo or foetus to a woman, or outside an institution duly authorised by law or without the corresponding lawful right, or preserving of a human embryo or foetus in vitro in an unfrozen form for longer than the term provided by law or performance of unauthorised transactions with an embryo or foetus
is punishable by a pecuniary punishment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 132. Illegal surrogate motherhood

(1) Transfer of a foreign ovum, or an embryo or foetus created therefrom to a woman whose intention to give away the child after birth is known
is punishable by a pecuniary punishment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

Division 6
Offences against Liberty

§ 133. Trafficking in human beings

(1) Placing a person in a situation where he or she is forced to work under unusual conditions, engage in prostitution, beg, commit a criminal offence or perform other disagreeable duties, or keeping a person in such situation, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless or vulnerable situation of the person,
is punishable by one to seven years' imprisonment.

(2) The same act if:
1) committed against two or more persons;
2) committed against a person of less than eighteen years of age;
3) committed against a person in a helpless situation;
4) committed in a torturous or cruel manner;
5) serious health damage is caused thereby;
6) danger to life is caused thereby;
7) committed by a group;
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
8) committed by taking advantage of official position,
9) serious consequences are caused thereby;
10) committed by a person who has previously committed a criminal offence provided for in this section or §§ 133^1, 133^2, 133^3or 175;
is punishable by three to fifteen years' imprisonment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § $83^2$of this Code.

(5) For the purposes of this section, vulnerable situation is a situation where a person lacks an actual or acceptable opportunity not to commit any of the acts specified in subsection (1) of this section.
[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 133^1. Support to human trafficking

(1) Transportation, delivery, escorting, acceptance, concealment or accommodation without prior authorisation of a person placed in a situation specified in subsection 133 (1) of this Code, or aiding without prior authorisation his or her forced acts in any other way,
is punishable by up to five years' imprisonment.

(2) The same act if:
1) committed against two or more persons;
2) committed against a person of less than eighteen years of age;

3) committed against a person in a helpless situation;
4) committed by taking advantage of official position,
is punishable by two to ten years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83[2] of this Code.
[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 133[2]. Pimping

(1) Organisation of a meeting of a person engaged in prostitution with a client, owning, managing of a brothel, aiding of prostitution or renting of premises for keeping a brothel, or influencing of a person to cause him or her to commence or continue prostitution, if the act does not contain the necessary elements of an offence provided for §§ 133 or 133[1] of this Code,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act if:
1) committed by a person who has previously committed an offence provided for in this section or §§ 133, 133[1], 133[3] or 175;
2) committed for the purpose of large proprietary gain,
is punishable by one to five years' imprisonment.

(3) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83[2] of this Code.

(5) For the purposes of this section, a brothel denotes any premises or limited area where a third party mediates the engagement of two or more people in prostitution or aids engagement of two or more people in prostitution.
[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 133[3]. Aiding prostitution

(1) Knowing aiding of prostitution if the act does not contain the necessary elements of an offence provided for §§ 133, 133[1] or 133[2] of this Code,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 134. Abduction

(1) Taking or leaving a person, through violence or deceit, in a state where it is possible to persecute or humiliate him or her on grounds of race or gender or for other reasons, and where he or she lacks legal protection against such treatment and does not have the possibility to leave the state,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed:
1) against two or more persons; or
2) against a person of less than eighteen years of age,
is punishable by two to ten years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 135. Hostage taking

(1) Imprisonment of a person in order to compel, under the threat to kill, detain or cause health damage to the person, a third person to commit or consent to an act
is punishable by three to twelve years' imprisonment.

(2) The same act, if committed against a person of less than eighteen years of age,
is punishable by five to fifteen years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 136. Unlawful deprivation of liberty

(1) Unlawful deprivation of the liberty of another person
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed against a person of less than eighteen years of age,
is punishable by one to five years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 137. Unauthorised surveillance

(1) Observation of another person in order to collect information relating to such person by a person without the lawful right to engage in surveillance
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 138. Illegal conduct of human research

(1) Conduct of medical or scientific research on a person who has not granted consent thereto pursuant to the procedure prescribed by law or who before granting such consent was not notified of the essential potential dangers arising from the research
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 138^{1}. Forcing person to donate organs or tissue

(1) Placing a person in a situation where organs, tissue or cells are removed from him or her, if such act is performed through deprivation of liberty, violence, deceit, threatening to cause damage, by taking advantage of dependence on another person, helpless situation or vulnerable situation of the person and such act does not contain the necessary elements of an offence provided for in § 118 of this Code,
is punishable by up to five years' imprisonment.

(2) The same act if:
1) committed against two or more persons;
2) committed against a person of less than eighteen years of age;
3) committed against a person in a helpless situation;
4) committed in a torturous or cruel manner;
5) serious health damage is caused thereby;
6) danger to life is caused thereby;
7) committed by a group;
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
8) committed by taking advantage of official position,
9) serious consequences are caused thereby;
is punishable by two to ten years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83^{2}of this Code.

(5) For the purposes of this section, vulnerable situation is a situation where a person lacks an actual or acceptable opportunity not to be placed in a situation specified in subsection (1) of this section.
[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 139. Illegal removal of organs or tissue

(1) Removal, for transplantation purposes, of human organs or tissue by a person with the corresponding right arising from law, if the person from whom the organs or tissue are removed has not been notified of the essential potential dangers arising from the removal of organs or tissue before he or she grants consent thereto, or if the person removing the organs or tissue was aware that the person from whom the organs or tissue are removed will receive remuneration therefor,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 140. Inducing person to donate organs or tissue

(1) Illegal inducing of a person to grant a consent for removal of his or her organs, tissue or cells, if the act does not contain the necessary elements of an offence specified in §§ 118 or 138^1 of this Code,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed against a person of less than eighteen years of age,
is punishable by up to five years' imprisonment.
[RT I, 04.04.2012, 1 - entry into force 14.04.2012]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

Division 7
Offences against Sexual Self-determination

§ 141. Rape

(1) Sexual intercourse or commission of another act of sexual nature with a person against his or her will by using force or taking advantage of a situation in which the person is not capable of initiating resistance or comprehending the situation
is punishable by one to five years' imprisonment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(2) The same act:
1) if committed against a person of less than eighteen years of age;
2) if committed by a group;
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
3) serious damage is thereby caused to the health of the victim;
4) it causes the death of the victim;
5) it leads the victim to suicide or a suicide attempt; or
6) it was committed by a person who has previously committed a criminal offence provided in this Division,
is punishable by six to fifteen years' imprisonment.
[RT I 2006, 31, 233 - entry into force 16.07.2006]

(3) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

§ 142. Satisfaction of sexual desire by violence

[Repealed - RT I, 13.12.2013, 5 - entry into force 23.12.2013]

§ 143. Compelling person to engage in sexual intercourse or other act of sexual nature

[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(1) Sexual intercourse or commission of another act of sexual nature with a person against his or her will by taking advantage of the dependency of the victim on the offender but without using force or outside a situation where the person was not capable of initiating resistance or comprehending the situation as provided for in § 141 of this Code,
is punishable by up to three years' imprisonment.

(2) The same act, if committed by a person who has previously committed a criminal offence provided for in this Division,
is punishable by up to five years' imprisonment.

(3) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

§ 143[1]. Compelling person to satisfy sexual desire

[Repealed - RT I, 13.12.2013, 5 - entry into force 23.12.2013]

§ 143[2]. Sexual intercourse or other act of sexual nature using influence

(1) Engagement in sexual intercourse or commission of another act of sexual nature by an adult person with a person of less than eighteen years of age by taking advantage of the dependency of the victim on the offender or with abuse of influence or confidence but without using force or outside a situation where the person was not capable of initiating resistance or comprehending the situation as provided for in § 141 of this Code,
is punishable by two to eight years' imprisonment.

(2) The same act, if committed by a person who has previously committed a criminal offence provided for in this Division,
is punishable by three to eight years' imprisonment.

(3) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

§ 144. Sexual intercourse with descendant

[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(1) Sexual intercourse or commission of another act of sexual nature by a parent, person holding parental rights or grandparent with a child or grandchild
is punishable by two to eight years' imprisonment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(2) The same act, if committed by a person who has previously committed a criminal offence provided for in this Division,
is punishable by three to eight years' imprisonment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

§ 145. Sexual intercourse or other act of sexual nature with child

[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(1) Engagement in sexual intercourse or commission of another act of sexual nature by an adult person with a person of less than fourteen years of age
is punishable by up to five years' imprisonment.

(2) The same act, if committed by a person who has previously committed a criminal offence provided for in this Division,
is punishable by two to eight years' imprisonment.

(3) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

§ 145[1]. Buying sex from minors

(1) Engaging in sexual intercourse or committing another act of sexual nature with a person of less than eighteen years of age for monetary payment or any other benefit,
is punishable by up to three years' imprisonment.

(2) An act specified in subsection (1) of this section, if committed against a person of less than fourteen years of age,
is punishable by up to five years' imprisonment.

(3) The act specified in subsections (1) and (2) of this section, if it was committed by a person who has previously committed a criminal offence provided for in this Division,
is punishable by two to eight years' imprisonment.

(4) An act specified in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

§ 146. Satisfaction of sexual desire with child

[Repealed - RT I, 13.12.2013, 5 - entry into force 23.12.2013]

§ 147. Inability of person of less than ten years to comprehend

Within the meaning of the offences provided for in this Division, a person is deemed to be incapable to comprehend if he or she is less than ten years of age.

Division 8
Offences against Deceased Persons

§ 148. Abuse of corpse

(1) Dissecting or stealing of a corpse, leaving a corpse unburied or treating a corpse in a manner not in compliance with the generally recognised customary practices
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 149. Debasement of memory of deceased

(1) Interference with a funeral or any other ceremony for the commemoration of a deceased person, desecrating of a grave or other place designated as a last resting place or a memorial erected for the commemoration of a deceased person, or stealing of objects from such places
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 150. Illegal removal of organs or tissue from corpse

(1) Removal, for transplantation purposes, of organs or tissue from the body of a deceased person by a duly authorised person, if the person from whom the organs or tissue are removed has during his or her lifetime prohibited such removal,
is punishable by a pecuniary punishment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

Chapter 10
OFFENCES AGAINST POLITICAL AND CIVIL RIGHTS

Division 1

Offences against Equality

§ 151. Incitement of hatred

(1) Activities which publicly incite to hatred, violence or discrimination on the basis of nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, or financial or social status if this results in danger to the life, health or property of a person
is punishable by a fine of up to three hundred fine units or by detention.

(2) The same act, if:
1) it causes the death of a person or results in damage to health or other serious consequences; or
2) committed by a person who has previously been punished by such act; or
3) [repealed - RT I, 23.12.2014, 14 - entry into force 01.01.2015]
is punishable by a pecuniary punishment or up to three years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2006, 31, 234 - entry into force 16.07.2006]

§ 152. Violation of equality

(1) Unlawful restriction of the rights of a person or granting of unlawful preferences to a person on the basis of his or her nationality, race, colour, sex, language, origin, religion, sexual orientation, political opinion, financial or social status
is punishable by a fine of up to three hundred fine units or by detention.
[RT I 2006, 31, 234 - entry into force 16.07.2006]

(2) The same act, if committed:
1) at least twice; or
2) if significant damage is thereby caused to the rights or interests of another person that are protected by law or to public interests,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 2000 euros.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 153. Discrimination based on genetic risks

(1) Unlawful restriction of the rights of a person or granting of unlawful preferences to a person on the basis of his or her genetic risks
is punishable by a fine of up to three hundred fine units or by detention.

(2) The same act, if committed:
1) at least twice; or
2) if significant damage is thereby caused to the rights or interests of another person that are protected by law or to public interests,
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I 2004, 46, 329 - entry into force 01.07.2004]

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 2000 euros.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

Division 2

Violation of Fundamental Freedoms

§ 154. Violation of freedom of religion

(1) Any activity which knowingly interferes, without legal grounds, with acknowledgement or declaration of religious beliefs or the absence thereof, or exercise of religion or religious rites,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 155. Violation of freedom of association

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Founding of a religious association or political party or trade union or compelling of a person to join it or preventing of a person from joining it
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 156. Violation of confidentiality of messages

(1) Violation of the confidentiality of a message communicated by a letter or other means of communication
is punishable by a pecuniary punishment.

(2) The same act, if committed by a person who has access to the message due to performance of his or her official duties,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 157. Illegal disclosure of personal data

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Disclosure of information obtained in the course of professional activities by a person who is required by law not to disclose such information, if this does not contain the necessary elements of an offence provided for in § 157^1 of this Code,
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 32,000 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 157^1. Illegal disclosure of sensitive personal data

(1) Illegal disclosure of or provision of illegal access to sensitive personal data
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed for the purpose of personal gain or if significant damage was caused thereby to another person,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 32,000 euros.

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 157[2]. Illegal use of another person's identity

Transmission of personal data that establish or may enable to establish the identity of another person, grant of access to the data or use thereof, without the consent of that person, with the aim to knowingly cause a misconception of that person by means of assuming that person's identity, if damage is caused thereby to the rights or interests of another person that are protected by law, or to conceal a criminal offence,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I 2009, 51, 348 - entry into force 15.11.2009]

§ 158. Interference with or violent dispersion of lawfully organised public meeting

(1) Interference with or violent dispersion of lawfully organised public meeting
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 159. Violation of freedom of association

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 3
Offences against Freedom of Election

§ 160. Definition of elections

For the purposes of this Division, "elections" means elections of the *Riigikogu*or the local government councils or to the European Parliament.
[RT I 2003, 4, 22 - entry into force 23.01.2003]

§ 161. Interference with elections or referendum

(1) Interference with elections or a referendum, or with determination or announcement of the results thereof,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by use of violence:
is punishable by one to five years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 162. Violation of Freedom of Election

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Preventing of a person from electing or being elected at an election or from voting at a referendum, and promising or providing of assets or other benefits with the intention of persuading the person not to exercise his or her election or voting rights or to exercise such rights in a certain way, and influencing of a person for the same purpose by use of an official position, violence, deception or dependent relationship of the person with the offender,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 163. Falsification at elections

(1) Damaging, destruction, elimination, falsification of election or voting documents or incorrect counting of votes
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 164. Bribery of electorate

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 165. Election fraud

(1) Voting more than once, except by a person who amends his or her vote given by electronic means, participation in an election or referendum without the right to vote or in the name of another person is punishable by a fine of up to three hundred fine units or by detention.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 1300 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) Attempted misdemeanours provided for in this section are punishable.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 166. Violation of confidentiality of voting

(1) Illegal examination of the choice made by another person in an election or referendum is punishable by a fine of up to 100 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2400 euros.

(3) Attempted misdemeanours provided for in this section are punishable.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 167. Interference with election campaigning

(1) Interference with lawful campaigning before an election or referendum is punishable by a fine of up to three hundred fine units or by detention.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3600 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) Attempted misdemeanours provided for in this section are punishable.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 168. Unlawful campaigning

(1) Ordering or publicising of unlawful campaigning or unlawful political outdoor advertising is punishable by a fine of up to 100 fine units.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 1300 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

Chapter 11
OFFENCES AGAINST FAMILY AND MINORS

Division 1
Offences against Family

§ 169. Violation of obligation to provide maintenance to child

A parent who knowingly evades payment of monthly support ordered by a court to his or her child of less than eighteen years of age or to his or her child who has attained the age of majority but is incapacitated for work and needs assistance
is punishable by a pecuniary punishment or up to one year of imprisonment.

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 170. Violation of obligation to provide maintenance to parent

Intentional evasion by an adult child of payment of monthly support ordered by a court to his or her parent who is incapacitated for work and needs assistance
is punishable by a fine of up to 300 fine units or by detention.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 171. Violation of requirements for guardianship and curatorship

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Violation of requirements for guardianship and curatorship, if it causes danger to the life or health of the person under guardianship or curatorship or significant proprietary damage
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 172. Child stealing

Concealed or unconcealed kidnapping of another person's child of less than fourteen years of age from a person under whose care the child legally is,
is punishable by a pecuniary punishment or up to three years' imprisonment.

§ 173. Selling or buying of children

(1) Selling or buying of children
is punishable by one to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 174. Alteration of decent

(1) Substitution of a child of another or own child for a child of another person with the intention of altering the descent of the child
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed:
1) in order to receive an estate or aimed at other personal gain; or
2) if it causes alteration of the citizenship,
is punishable by one to five years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

Division 2
Offences against Minors

§ 175. Human trafficking in order to take advantage of minors

(1) Influencing of a person of less than eighteen years of age in order to cause him or her to commence or continue commission of a criminal offence, begging, engagement in prostitution or working under unusual conditions or to appear as a model or actor in the manufacture of a pornographic or erotic performance or work, but it does not contain the necessary elements of an offence provided for in § 133 of this Code, and a person aiding in other manner in the activities specified in this section of a person of less than eighteen years of age,
is punishable by two to ten years' imprisonment.

(11) The same act if committed by a person who has previously committed a criminal offence provided for in this section or §§ 133 to 133^3, § 175^1 or §§ 178 to 179,
is punishable by three to ten years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83^2 of this Code.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

§ 175^1. Requesting access to child pornography and watching thereof

(1) Knowingly requesting access to child pornography or knowingly watching a pornographic performance involving a person younger than eighteen years of age or of a pornographic or erotic performance involving a person younger than fourteen years of age
is punishable by a pecuniary punishment or up to two years' imprisonment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

(2) The same act, if committed by a person who has previously committed a criminal offence provided for in this section or §§ 175 or 178 to 179,
is punishable by up to three years' imprisonment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

(3) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

§ 176. Aiding prostitution involving minors

[Repealed - RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 177. Use of minors in manufacture of pornographic works

[Repealed - RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 177^1. Use of minors in manufacture of erotic works

[Repealed - RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 178. Manufacture of works involving child pornography or making child pornography available

(1) Manufacture, acquisition or storing, handing over, displaying or making available to another person in any other manner of pictures, writings or other works or reproductions of works depicting a person of less than eighteen years of age in a pornographic situation, or a person of less than fourteen years of age in a pornographic or erotic situation,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(1^1) The same act if committed by a person who has previously committed a criminal offence provided for in this section or §§ 175, 175^1, 178^1 or 179
is punishable by one to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

§ 178^1. Agreement of sexual purpose for meeting with child

(1) Making a proposal for meeting a person of less than eighteen years of age who was not capable of comprehending the situation, or a person of less than fourteen years of age, or concluding an agreement to meet him or her, and performance of an act preparing the meeting, if the aim of the meeting is to commit an offence of sexual nature provided for in §§ 133, 133^1, 141-145^1, 175, 175^1, 178 or 179 of this Code with respect to the specified person,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(1^1) The same act if committed by a person who has previously committed a criminal offence provided for in this section or §§ 175, 175^1, 178 or 179
is punishable by one to three years' imprisonment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(2) The same act, if committed by a legal person,

is punishable by a pecuniary punishment.
[RT I 2010, 10, 44 - entry into force 15.03.2010]

§ 179. Sexual enticement of children

(1) Handing over, displaying or making otherwise pornographic works or reproductions thereof knowingly available to a person of less than fourteen years of age, or showing sexual abuse to such person or engaging in sexual intercourse in the presence of such person or knowingly sexually enticing such person in any other manner
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(11) The same act if committed by a person who has previously committed a criminal offence provided for in this section or §§ 175, 175[1], 178 or 178[1]
is punishable by one to three years' imprisonment.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 179[1]. Illegal enabling of work with children

[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(1) Hiring a person in a position or service as a person working with children or enabling such person to work with children in another manner, if the person is prohibited by law to work with children, and authorising issue of an activity licence by an authorised person for work with children, if this is prohibited by law,
is punishable by a fine of up to 300 fine units.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 180. Exhibiting cruelty to minors

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Handing over, displaying or knowing making available of works or reproductions of works promoting cruelty in another manner to a person of less than eighteen years of age, killing or torturing of an animal in the presence of such person without due cause or knowing exhibiting of cruelty to him or her in another manner
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 181. Involving minor in commission of criminal offence

[Repealed - RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 182. Inducing minor to consume alcohol

Inducement of a person of less than eighteen years of age by an adult person to consume alcohol
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I 2004, 88, 600 - entry into force 02.01.2005]

§ 182[1]. Sale of alcohol to minors and purchase of alcohol for minors

(1) Systematic selling or buying of alcohol to a person of less than eighteen years of age by an adult person
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Chapter 12

OFFENCES AGAINST PUBLIC HEALTH

Division 1
Offences Relating to Narcotics

§ 183. Unlawful handling of small quantities of narcotic drugs or psychotropic substances

(1) Systematic illegal trafficking or mediation of small quantities of narcotic drugs or psychotropic substances, illegal manufacture, acquisition or possession with the intention of trafficking thereof, and trafficking thereof in small quantities across the state border
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed:
1) by a group;
2) by a person who has committed a criminal offence provided for in this Division or theft, robbery, illegal import or export or delivery of narcotic drugs or psychotropic substances or the handling of narcotic drugs or psychotropic substances in a penal institution,
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 184. Unlawful handling of large quantities of narcotic drugs or psychotropic substances

(1) Unlawful handling of large quantities of narcotic drugs or psychotropic substances
is punishable by one to ten years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed:
1) by a group;
2) by a person who has committed a criminal offence provided for in this Division or theft, robbery, illegal import or export or delivery of narcotic drugs or psychotropic substances or the handling of narcotic drugs or psychotropic substances in a penal institution,
is punishable by three to fifteen years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2^1) An act provided for in subsection (1) or (2) of this section, if committed for the purpose of significant proprietary benefits,
is punishable by six to twenty years' imprisonment or life imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) An act provided for in subsections (1), (2) or (2^1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(5) For a criminal offence provided in this section:
1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or
2) the court imposes, pursuant to the provisions of § 83^2 of this Code, extended confiscation of the property obtained by the criminal offence.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 185. Providing of narcotic drugs or psychotropic substances to persons less than eighteen years of age

(1) Illegal provision of small quantities of narcotic drugs or psychotropic substances to a person of less than eighteen years of age by an adult person
is punishable by up to five years' imprisonment.

(2) The same act, if committed:

1) by a group;
2) by a person who has committed a criminal offence provided for in this Division or theft, robbery, illegal import or export or delivery of narcotic drugs or psychotropic substances or the handling of narcotic drugs or psychotropic substances in a penal institution; or
[RT I 2007, 13, 69 - entry into force 15.03.2007]
3) if the object of provision is large quantities of narcotic drugs or psychotropic substances,
is punishable by three to fifteen years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if the purpose of provision was to instigate a minor to provide narcotic drugs or psychotropic substances or to aid such instigation,
is punishable by six to twenty years' imprisonment or life imprisonment.

(4) For a criminal offence provided in this section:
1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or
2) the court imposes, pursuant to the provisions of § 83^2 of this Code, extended confiscation of the property obtained by the criminal offence.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 186. Inducing person to engage in illegal use of narcotic drugs or psychotropic substances

(1) Inducing a person to engage in illegal use of narcotic drugs or psychotropic substances
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 187. Inducing minors to illegally consume narcotic drugs or psychotropic substances or other narcotic substances

(1) Inducing of a person of less than eighteen years of age by an adult person to illegally consume narcotic drugs or psychotropic substances or other narcotic substances, or administration of such substances illegally to a person of less than eighteen years of age,
is punishable by one to ten years' imprisonment.

(2) The same act, if committed by a person who has committed a criminal offence provided for in this Division or a theft, robbery, illegal import or export or delivery of narcotic drugs or psychotropic substances or the handling of narcotic drugs or psychotropic substances in a penal institution,
is punishable by three to fifteen years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 188. Illegal cultivation of opium poppy, cannabis or coca shrubs

(1) Illegal cultivation of opium poppy, cannabis or coca shrubs
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed:
1) by a group;
2) by a person who has committed a criminal offence provided for in this Division or theft, robbery, illegal import or export or delivery of narcotic drugs or psychotropic substances or the handling of narcotic drugs or psychotropic substances in a penal institution,
is punishable by one to ten years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 189. Preparation for distribution of narcotic drugs or psychotropic substances

(1) Manufacture, possession or delivery of a device, equipment or substance necessary for the commission of an act provided for in § 184 of this Code, or provision of financial resources for the commission of such act,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83^2 of this Code.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 190. Violation of requirements for handling narcotic drugs or psychotropic substances or precursors thereof or of requirements for related recording keeping or reporting

(1) Violation of the requirements for manufacture, production, processing, packaging, storage, transportation, import, export, transit, delivery or record keeping concerning or reporting on narcotic drugs or psychotropic substances or precursors thereof by a person responsible for such activities, if such violation, through negligence, results in illegal trade in narcotic drugs or psychotropic substances,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 191. Application of confiscation

The court shall confiscate an object or substance which was the direct object of the commission of an offence provided for in this Division or an object used for the preparation of such offence.

Division 2
Offences Relating to Infectious Diseases

§ 192. Causing threat of spread of infection disease or infectious animal disease

(1) Violation of the requirements for the control of infectious diseases or infectious animal diseases, if such violation causes a threat of the spread of an especially dangerous infectious disease or especially dangerous infectious animal disease,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if a danger of spread of an especially dangerous infectious disease or an especially dangerous infectious animal disease is thereby caused through negligence,
is punishable by a pecuniary punishment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 193. Causing spread of infectious disease or infectious animal disease

(1) Violation of the requirements for the control of infectious diseases or infectious animal diseases, if such violation causes the spread of an infectious disease or especially dangerous infectious animal disease,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if the spread of an infectious disease or a dangerous infectious animal disease is thereby caused through negligence,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

Division 3
Offences Relating to Medicinal Products

§ 194. Unlawful handling of medicinal products

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Illegal carriage of medicinal products across a state border with the intention of trafficking thereof, possession of counterfeit medicinal products with the intention of manufacture, production, marketing, supply, mediation or trafficking thereof, if the act does not contain the necessary elements of an offence provided for in §§ 183 to 185 of this Code,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 195. Inducing person to use doping

(1) Prescribing a medicinal product for use as doping in sports, inducing a person to use a medicinal product as doping, or delivery of a medicinal product for administering as doping,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act if:
1) committed repeatedly;
2) committed against a person of less than eighteen years of age;
is punishable by a pecuniary punishment or up to three years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 196. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

Division 4
Offences Relating to Occupational Health, Occupational Safety or Technical Supervision

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 197. Violation of occupational health and safety requirements if significant damage is thereby caused to health of person or death of person is caused through negligence

(1) Violation of occupational health and safety requirements if significant damage is thereby caused to the health of a person through negligence,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if the death of a person is caused thereby through negligence,
is punishable by up to five years' imprisonment.

(3) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 198. Violation of occupational health and safety requirements through negligence if significant damage is thereby caused to health of person or death of person is caused thereby

(1) Violation of occupational health and safety requirements through negligence if significant damage is thereby caused to the health of a person,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if the death of a person is caused thereby,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

Chapter 13
OFFENCES AGAINST PROPERTY

Division 1
Offences against Ownership

Subdivision 1

Illegal Appropriation of Thing

§ 199. Larceny

(1) Taking away of movable property of another with the intention of illegal appropriation
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act if:
1) the object of the act is a firearm, ammunition, explosive substance or radiation source,
2) the object of the act is a narcotic drug or psychotropic substance or a precursor thereof,
3) the object of the act is an object of great scientific, cultural or historical significance,
4) committed by a person who has previously committed theft, robbery, embezzlement, acquisition, storage or marketing of property received through commission of an offence, intentional damaging or destruction of a thing, fraud or extortion;
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
5) the act is committed publicly, but without the use of violence,
6) committed on a large-scale basis;
7) committed by a group;
8) committed by intrusion; or
9) committed systematically,
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I 2008, 33, 199 - entry into force 28.07.2008]

(3) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 200. Robbery

(1) Taking away of movable property of another by use of violence with the intention of illegal appropriation
is punishable by two to ten years' imprisonment.

(2) The same act if:
1) the object of the act is a firearm, ammunition, explosive substance or radiation source,
[RT I 2007, 13, 69 - entry into force 15.03.2007]
2) the object of the act is a narcotic drug or psychotropic substance or a precursor thereof,
3) the object of the act is an object of great scientific, cultural or historical significance,
4) committed by a person who has previously committed robbery, or manslaughter in connection with robbery or for the purpose of any other personal gain, or extortion,
5) committed by causing serious damage to health;
6) committed on a large-scale basis;
7) committed by a group;
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
8) committed by using a weapon or any other object used as a weapon, or by threatening to use a weapon or any other object used as a weapon;
[RT I 2002, 82, 480 - entry into force 24.10.2002]
9) committed by intrusion,
10) [repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]
is punishable by three to fifteen years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 201. Embezzlement

(1) Illegal converting into his or her use or the use of a third person of movable property which is in the possession of another person or other assets belonging to another person which have been entrusted to the person
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:
1) by a person who has previously committed theft, robbery, embezzlement, acquisition, storage or marketing of property received through commission of an offence, intentional damaging or destruction of a thing, fraud or extortion;

2) on a large-scale basis;
3) by an official; or
4) by a group,
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) For criminal offence provided for in clauses (2) 2) and 3) of this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83^2 of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 202. Acquisition, storage or marketing of property received through commission of offence

[RT I 2008, 33, 199 - entry into force 28.07.2008]

(1) Acquisition, storage or marketing of property received through commission of an offence
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I 2008, 33, 199 - entry into force 28.07.2008]

(2) The same act, if committed:
1) by a group;
2) by a person who has previously committed theft, robbery, embezzlement, acquisition, storage or marketing of property received through commission of an offence, intentional damaging or destruction of a thing, fraud or extortion;
3) on a large-scale basis;
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

Subdivision 2
Damage to Property

§ 203. Injuring or destruction of thing

(1) Injuring or destroying a thing of another, if significant damage is thereby caused,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 204. Injuring or destruction of cultural monuments, archival records, museum objects or museum collections

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Injuring or destroying a cultural monument, archival record, museum object or museum collection in a manner which causes significant damage
is punishable by one to five years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 205. Damaging or destroying of cultural monuments, archival records, museum objects or museum collections through negligence

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Damaging or destroying of a cultural monument, museum inventory or museum collection through negligence in a manner which is dangerous to the public or causes major damage
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,

is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 206. Interference with computer data

(1) Illegal alteration, deletion, damaging or blocking of data in computer systems
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act if:
1) committed against data in numerous computer systems and the devices or computer programs specified in § 216[1] of this Code were used for the commission thereof;
2) committed by a group;
3) committed against data in a computer system of a vital sector; or
4) it causes significant damage;
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2008, 13, 87 - entry into force 24.03.2008]

§ 206[1]. Unlawful removal and alteration of means of identification of terminal equipment

(1) Unlawful removal or alteration, for commercial purposes, of the means of identification of terminal equipment used in an electronic communication network
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 207. Hindering of functioning of computer systems

(1) Illegal interference with or hindering of the functioning of computer systems by way of uploading, transmitting, deleting, damaging, altering or blocking of data
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act if:
1) committed against numerous computer systems and the devices or computer programs specified in § 216[1] of this Code were used for the commission thereof;
2) committed by a group;
3) the functioning of a computer system of a vital sector or the provision of public services is interfered or hindered thereby; or
4) it causes significant damage,
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2008, 13, 87 - entry into force 24.03.2008]

§ 208. Dissemination of spyware, malware or computer viruses

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 2
Offences against All Types of Property

Subdivision 1

Fraud

§ 209. Fraud

(1) Causing of proprietary damage to another person by knowingly causing a misconception of existing facts for the purpose of significant proprietary benefit
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed:
1) by a person who has previously committed theft, robbery, embezzlement, acquisition, storage or marketing of property received through commission of an offence, intentional damaging or destruction of a thing, fraud or extortion;
2) by an official;
3) on a large-scale basis;
4) by a group; or
5) by addressing the public,
is punishable by one to five years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(4) For criminal offence provided for in clauses (2) 2) and 3) of this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § $83^2$of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 210. Benefit fraud

(1) For the purposes of this section, "benefit" means a payment made without charge or partly without charge out of the funds of the state budget or a local government or other public funds to a person engaging in economic activities, or a tax incentive for promoting economic activities.

(2) Receipt of a benefit by use of fraud or use of a benefit for purposes other than its intended purpose
is punishable by a pecuniary punishment or up to five years' imprisonment.

(3) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(4) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § $83^2$of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 211. Investment fraud

(1) Receipt of an investment through presentation of false information among the essential information addressed to the public or specified group of persons or failure to submit essential information
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 212. Insurance fraud

(1) Intentional bringing about of an insured event or causing of misconception of the occurrence of an insured event with the intention of receipt of insurance indemnity from the insurer
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 213. Computer-related fraud

(1) Causing of proprietary damage to another person through unlawful entry, alteration, deletion, damaging or blocking of computer programs or data or other unlawful interference with data processing operation for the purpose of proprietary benefit
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed:
1) by a person who has previously committed theft, robbery, embezzlement, acquisition, storage or marketing of property received through commission of an offence, intentional damaging or destruction of a thing, fraud or extortion;
2) by an official;
3) on a large-scale basis; or
4) by a group,
is punishable by one to five years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Subdivision 2
Extortion

§ 214. Extortion

(1) Coercion of another person to transfer proprietary benefits by use of threat to restrict the liberty of the person, disclose embarrassing information or destroy or damage property, or by use of violence,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed:
1) by a person who has previously committed theft, robbery, embezzlement, acquisition, storage or marketing of property received through commission of an offence, intentional damaging or destruction of a thing, fraud or extortion;
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
2) on a large-scale basis;
3) by causing serious damage to health;
4) by a group,
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
5) by deprivation of the liberty of a person, or
6) by destroying or damaging property,
is punishable by four to twelve years' imprisonment.

Subdivision 3
Unlawful Use

§ 215. Unauthorised use of thing

(1) Temporary unauthorised use of movable property of another
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:
1) by a person who has previously committed larceny, embezzlement or unauthorised use of a thing, or
2) by a group,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by use of violence:
is punishable by two to ten years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) An act provided for in subsections (1), (2) or (3) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 216. Unlawful use of electricity, natural gas or thermal energy

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(1) Unlawful use of electricity, natural gas or thermal energy through an illegal connection to the network
is punishable by a pecuniary punishment or up to two years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 216[1]. Preparation of computer-related crime

(1) Supply, production, possession, distribution or making otherwise available of a device or computer program which is created or adjusted in particular for the commission of the criminal offences provided for in §§ 206, 207, 213 or 217 of this Code, or of the means of protection which allow to get access to a computer system with the intention of committing himself or herself or enabling a third person to commit the crimes provided for in §§ 206, 207, 213 or 217 of this Code
is punishable by a pecuniary punishment or up to two years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in this section.
[RT I 2008, 13, 87 - entry into force 24.03.2008]

§ 217. Illegal obtaining of access to computer systems

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Illegal obtaining of access to computer systems by elimination or avoidance of means of protection
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act:
1) if it causes significant damage; or
2) if access was obtained to a computer system containing a state secret, classified foreign information or information prescribed for official use only; or
3) if access was obtained to a computer system of a vital sector,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 217[1]. Use of terminal equipment with unlawfully removed or altered means of identification

(1) Use of terminal equipment with unlawfully removed or altered means of identification in an electronic communication network by a person who is aware that the identification code has been unlawfully removed or altered
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

(3) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in this section.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

Subdivision 4
Abuse of trust

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 217[2]. Abuse of trust

(1) Illegal use of the right arising from law or transaction to dispose of assets of another person or assume obligations for another person, or violation of an obligation to comply with the financial interests of another person if such act results in significant material damage but does not contain the necessary elements of an offence provided for in § 201 of this Code
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

Division 3
Petty Offences against Property

§ 218. Offences against property involving objects or proprietary rights of small value

(1) An offence against property committed with regard to an object of small value or an insignificant proprietary right, except for illegal obtaining of access to a computer system, interference with computer data, hindering of functioning of a computer system, preparation of a computer-related crime, robbery, extortion and unauthorised use of a thing by use of violence, and theft or systematic theft of firearms, ammunition, explosive substances, radiation sources, narcotic or psychotropic substances and precursors thereof, objects with great scientific, cultural or historical value,
is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.

(3) Attempted misdemeanours provided for in subsections (1) and (2) of this section are punishable.

(4) For the purposes of subsection (1) of this section, object of small value or insignificant proprietary right includes an object or right which monetary value does not exceed the amount of twenty minimum daily rates, or the damaging of which in the cases provided for in §§ 203 and 204 of this Code did not cause significant damage.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Chapter 14
OFFENCES AGAINST INTELLECTUAL PROPERTY

§ 219. Violation of authorship

(1) Disclosure of a work or performance of a work, invention, industrial design or layout-design of an integrated circuit of another in his or her own name
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 220. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 221. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 222. Trade in pirated goods

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Manufacture, selling, renting, storing, delivery of or trading in goods in another manner in professional or economic activities which knowingly infringes copyright or related rights, if the amount of gains or damage caused by the infringement exceeds the amount of twenty minimum daily rates,
is punishable by a pecuniary punishment or up to two years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.

§ 222[1]. Infringement of copyright in computer system

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Knowing infringement of proprietary rights of a holder of copyright or related rights by means of a computer system in professional or economic activities, if the amount of gains or damage caused by the

infringement exceeds the amount of twenty minimum daily rates and it does not contain the necessary elements provided for in § 222,
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 223. Unlawful direction of works and objects of related rights towards public

(1) Unlawful public performance, showing, transmission, re-transmission or making available to the public of works or objects of related rights in professional or economic activities, if the amount of gains or damage caused by the infringement exceeds the amount of twenty minimum daily rates,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 224. Trade in pirated copies

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 224[1]. Copyright infringement

(1) Infringement of proprietary rights of a holder of copyright or related rights in order to receive proprietary benefits
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 6400 euros.

(3) The court may confiscate the object which was the direct object of commission of an offence provided for in this section.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 225. Removal of technical protective measures and information

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Unlawful alteration or removal of technical protective measures preventing the infringement of copyright or related rights or electronic information on the exercise thereof, or manufacture, use, making available as a service or distribution of means or devices used solely or mainly for removal of the protective measures, if the act was committed outside personal use in order to receive benefits,
is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.

(3) The court may confiscate the object which was the direct object of commission of an offence provided for in this section.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 225[1]. Illegal receipt of information society services and media service

[RT I, 06.01.2011, 1 - entry into force 16.01.2011]

(1) Manufacture for commercial purposes, transfer, installation, maintenance, possession or advertising of equipment or software enabling illegal access to fee-charging information society services or pay-TV or pay-radio programmes or broadcasts, or services enabling access to such services, programmes and broadcasts
is punishable by a fine of up to 300 fine units.
[RT I, 06.01.2011, 1 - entry into force 16.01.2011]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 226. Infringement of industrial property rights

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Infringement of sole rights of holders of patents, utility models, trade marks, industrial designs or layout-designs of integrated circuits, and proprietary rights belonging to breeders or owners of protected varieties or rights arising from protected geographical indications in order to receive proprietary benefits
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 6400 euros.

(3) The court may confiscate the object which was the direct object of commission of an offence provided for in this section.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 227. Trade in counterfeit goods

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Manufacture, selling, renting, storing, delivery of or trading in another manner in goods marked with signs which are identical with or essentially indistinguishably from trade marks which are granted legal protection based on registration, the packaging or labels thereof, and provision of services under such signs in infringement of the sole right of the holder of the trade mark, if the amount of gains or damage caused by the infringement exceeds the amount of twenty minimum daily rates,
is punishable by a pecuniary punishment or up to two years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.

§ 228. Disclosure of invention or industrial design

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 229. Violation of rights arising from plant variety right

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 230. Unlawful use of registered geographical indications

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Chapter 15
OFFENCES AGAINST THE STATE

Division 1
General Provisions

[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 230[1]. Punishment for offences provided for in this Chapter

If the object of an offence provided for in this Chapter is a state secret or classified foreign information, the person who committed such offence is not released of liability if, after commission of such offence, the classification of the data expires, unless the data had been classified without legal basis.
[RT I 2007, 16, 77 - entry into force 01.01.2008]

Division 2
Offences against the Republic of Estonia

§ 231. Violent activities against the Republic of Estonia

(1) Activities aimed at violent disruption of the independence, sovereignty or territorial integrity of the Republic of Estonia, violent seizure of power or violent changing of the constitutional order of the Republic of Estonia in any other manner
is punishable by six to twenty years' imprisonment or life imprisonment.

(1^1) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § $83^2$of this Code.
[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 232. Treason

(1) Assisting of a foreign state, an organisation of a foreign state, an alien or a person acting at the request of a foreign state in non-violent activities directed against the independence and sovereignty or territorial integrity of the Republic of Estonia, or collection of state secrets or classified information of a foreign state communicated to Estonia on the basis of an international agreement with the intention of communication thereof, or communication of such information to a foreign state, organisation of a foreign state, alien or a person acting at the request of a foreign state by a citizen of the Republic of Estonia
is punishable by six to twenty years' imprisonment or life imprisonment.

(2) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § $83^2$of this Code.
[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 233. Non-violent acts committed by alien against the Republic of Estonia

Engagement by an alien in non-violent activities directed against the independence and sovereignty or territorial integrity of the Republic of Estonia and such activities do not contain the necessary elements of an offence provided for in § 231 or 234 of this Code,
is punishable by two to fifteen years' imprisonment.
[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 234. Espionage

(1) Collection of state secrets or classified information of a foreign state communicated to Estonia on the basis of an international agreement with the intention of communication thereof, or communication of such information to a foreign state, organisation of a foreign state, alien, or a person acting at the request of a foreign state by an alien
is punishable by three to fifteen years' imprisonment.
[RT I 2009, 51, 347 - entry into force 15.11.2009]

(2) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § $83^2$of this Code.
[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 234^1. Support of war against or occupation of Republic of Estonia

Joining of the armed forces of an enemy during a war against the Republic of Estonia or occupation of Estonia, participation in military actions against the Republic of Estonia or performance of such military or leading civilian functions that support the military action against the Republic of Estonia or occupation of the Republic of Estonia by an Estonian citizen
is punishable by six to twenty years' imprisonment or life imprisonment.
[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 235. Unconstitutional organisations

(1) Membership in a permanent organisation which consists of three or more persons who share a distribution of tasks and which has been formed with the intention of carrying out violent activities directed against the Republic of Estonia, or forming, leading or recruitment of members to such organisation
is punishable by five to fifteen years' imprisonment or life imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 235[1]. Conspiracy against Republic of Estonia

Establishment or maintenance of a relationship by a citizen of the Republic of Estonia with a foreign state, an organisation of a foreign state or a person acting at the request of a foreign state with the aim of committing a criminal offence specified in § 232 of this Code
is punishable by up to six years' imprisonment.
[RT I 2009, 51, 347 - entry into force 15.11.2009]

§ 235[2]. Counterfeiting against Republic of Estonia

(1) Counterfeiting of official documents, dissemination of such documents or data contained therein with the aim of damaging the independence and sovereignty or territorial integrity of the Republic of Estonia or if this is accompanied by a threat to the independence and sovereignty or territorial integrity of the Republic of Estonia is punishable by up to six years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 235[3]. Anti-state influencing of officials

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Systematic influencing of officials to non-performance of their duties with the aim of damaging the independence and sovereignty or territorial integrity of the Republic of Estonia
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 236. Incitement to commit criminal offence against Republic of Estonia

(1) Public incitement to the commission of a criminal offence provided for in this Division
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

Division 3
Offences against State Power

[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 237. Acts of terrorism

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(1) Commission of a criminal offence against international security, against the person or the environment while posing a threat to life or health, against foreign states or international organisations, or of a criminal offence dangerous to the public, or manufacture, distribution or use of prohibited weapons, illegal seizure, damaging or destruction of property to a significant extent, or interference with computer data or hindrance of functioning of computer systems as well as threatening with commission of such acts, if committed with the purpose of forcing the state or an international organisation to perform an act or omission, or seriously interfering with or destroying the political, constitutional, economic or social structure of the state, or seriously interfering with or destroying the operation of an international organisation, or seriously terrorising the population
is punishable by five to twenty years' imprisonment or life imprisonment.
[RT I 2009, 19, 114 - entry into force 06.04.2009]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83[2] of this Code.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 237[1]. Terrorist organisation

(1) Membership in a permanent organisation consisting of three or more persons who share a distribution of tasks and whose activities are directed at the commission of a criminal offence provided in § 237 of this Code as well as forming, directing or recruiting members to such organisation
is punishable by five to fifteen years' imprisonment or life imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 237[2]. Preparation of and incitement to acts of terrorism

(1) Organisation of training or recruiting persons for the commission of a criminal offence provided in § 237 of this Code, or preparation for such criminal offence in another manner as well as public incitement for the commission of such criminal offence
is punishable by two to ten years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 237[3]. Financing and support of act of terrorism and activities directed at it

(1) Financing or knowing supporting in another manner of commission of a criminal offence provided for in §§ 237, 237[1] or 2372 of this Code, as well as a terrorist organisation or a person whose activities are directed at commission of a criminal offence provided in § 237 of this Code, and making available or accumulating of funds while knowing that these may be used in full or in part to commit a criminal offence provided for in §§ 237, 237[1] or 237[2] of this Code,
is punishable by two to ten years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83[2] of this Code.
[RT I 2009, 19, 114 - entry into force 06.04.2009]

§ 237[4]. Malicious entry into the Republic of Estonia

(1) Illegal crossing of the Estonian state border or temporary border line by an alien, if:
1) committed in order to conceal another criminal offence against the state in the Republic of Estonia;
2) it involves violence, depriving a person of liberty, threat to use force or restrict the liberty of the person; or
3) property has been damaged or destroyed for the purpose of facilitating illegal border crossing;
is punishable by one to five years' imprisonment.

(2) The same act if:
1) committed when carrying a weapon, object used as a weapon, explosive, explosive device or radiation source;

(2) committed by hiding of the face with a cover or mask or in any other manner which prevents identification; or
3) it involved a danger to human life;
is punishable by three to ten years' imprisonment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 238. Organising and preparing mass disorders and incitement to participation therein

(1) Organising or preparing a disorder involving a large number of persons or incitement to participation in such disorder, if such disorder results in desecration, destruction, arson or other similar acts,
is punishable by three to eight years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 239. Commission of offence during mass disorder

(1) Participation in a mass disorder by a person who commits desecration, destruction, arson or other similar act or disregards a lawful order or offers resistance to a police officer, special constable or any other person combating such activities on a legal basis, or incitement of such person to non-performance of his or her duties
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I 2009, 51, 347 - entry into force 15.11.2009]

(2) The same act, if committed by hiding of the face with a cover or mask or in any other manner which prevents identification,
is punishable by two to eight years' imprisonment.
[RT I 2008, 28, 181 - entry into force 13.07.2008]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 240. Illegal entry into official premises

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 241. Disclosure of state secrets and classified information of foreign states

(1) Disclosure or illegal communication or provision of illegal access to state secrets or classified information of a foreign state by a person required to maintain the confidentiality of state secrets or classified information of the foreign state, if such act does not contain the necessary elements of an offence provided for in § 232 or § 234 of this Code,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 242. Publication of state secrets and classified information of foreign states through negligence

(1) Disclosure or illegally communication or provision of illegal access to state secrets or classified information of a foreign state through negligence by a person required to maintain the confidentiality of state secrets or classified information of the foreign state, or losing of a data medium containing a state secret or classified information of the foreign state, if:
1) significant damage is caused thereby to the security of the Republic of Estonia, a foreign state, an international organisation or an institution established by international agreement; or
1^{1}) danger to the life or health of the person is caused thereby; or
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
2) the object of the offence was a state secret or classified information of a foreign state classified as secret or top secret,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 243. Communication of internal information

(1) Collection of information classified as internal information with the intention of communication thereof, or communication of such information to a foreign state, organisation of a foreign state, alien, or a person acting at the request of a foreign state,
is punishable by up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 244. Attack against life or health of higher state public servants

(1) Acts of violence against the President of the Republic, President of the *Riigikogu*, Prime Minister, Chief Justice of the Supreme Court, Chancellor of Justice, Auditor General or Commander of the Defence Forces, and against family members of the specified persons
is punishable by up to five years' imprisonment.

(2) Killing, hostage taking of or causing serious health damage to any persons specified in subsection (1) of this section
is punishable by six to twenty years' imprisonment or life imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 245. Defamation of official symbols of Republic of Estonia

(1) A person who tears down, damages, profanes or otherwise defames the Estonian flag, national coat of arms or any other official symbol of the Republic of Estonia, or defames the national anthem,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

Division 4
Offences against Foreign States or International Organisations

[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 246. Attack against life or health of persons enjoying international immunity

(1) Acts of violence against representatives of international organisations or generally recognised international non-governmental organisations or foreign high-ranking public officials or their family members
is punishable by up to five years' imprisonment.

(2) Killing, hostage taking of or causing serious health damage to any persons specified in subsection (1) of this section
is punishable by six to twenty years' imprisonment or life imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 247. Defamation and insulting of persons enjoying international immunity

(1) Defamation or insulting of a person enjoying international immunity or of a family member of such person
is punishable by a pecuniary punishment or up to two years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2003, 83, 557 - entry into force 01.01.2004]

§ 248. Illegal entry into territory, building or premises enjoying diplomatic immunity

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 249. Defamation of official symbols of foreign state or international organisation

(1) A person who tears down, damages, profanes or otherwise defames the national flag, national coat of arms or any other official symbol of a foreign state, or an official symbol of an international organisation, or defames the national anthem of a foreign state,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 250. Incitement to commission of criminal offence against foreign state or international organisation

(1) Public incitement to the commission of a criminal offence provided for in this Division
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

Division 5
Offences against National Defence

[RT I 2007, 16, 77 - entry into force 01.01.2008]

§ 251. Assumption of authority in Defence Forces

(1) Assumption of authority in the Defence Forces or any other militarily organised institution, organisation or unit which possesses weapons
is punishable by two to ten years' imprisonment.

(2) Preparation for the same act
is punishable by a pecuniary punishment or up to five years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed:
1) by using violence;
2) by using threat with a weapon, any other object used as a weapon, an explosive device or explosive substance; or
[RT I 2007, 13, 69 - entry into force 15.03.2007]
3) by causing serious damage to health;
is punishable by four to twelve years' imprisonment.

(4) An act provided for in subsections (1), (2) or (3) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 252. Illegal entry into national defence area, building or premises

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 253. Evasion of national defence duties

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 254. Failure to comply with mobilisation order, or evasion of service in Defence Forces

(1) Failure to comply with a mobilisation order or a mobilisation notice communicated in peace-time, without a reasonable impediment, by a person liable to service in the Defence Forces
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

(2) The same act, if committed during war-time, or evasion of service in the Defence Forces during war-time, is punishable by one to five years' imprisonment.

Chapter 16
OFFENCES AGAINST PUBLIC PEACE

Division 1
Offences against Public Security

§ 255. Criminal organisation

(1) Membership in a permanent organisation consisting of three or more persons who share a distribution of tasks, which activities are directed at the commission of criminal offences in the second degree for which the maximum term of imprisonment of at least three years is prescribed, or criminal offences in the first degree,
is punishable by three to twelve years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1^1) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) For a criminal offence provided in this section:

1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or

2) the court imposes, pursuant to the provisions of § 83^2 of this Code, extended confiscation of the property obtained by the criminal offence.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 256. Formation of criminal organisation

(1) Forming or leading of or recruiting members to a criminal organisation
is punishable by five to fifteen years' imprisonment.

(1^1) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) For a criminal offence provided in this section:
1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or

2) the court imposes, pursuant to the provisions of § 83^2 of this Code, extended confiscation of the property obtained by the criminal offence.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 257. Arbitrary action

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 258. Illegal crossing of state border or temporary border line of Republic of Estonia

Illegal crossing of the state border or temporary border line of the Republic of Estonia if the act does not contain the necessary elements of an offence provided for in § 237^4 of this code and was committed:
1) in disregard of a stop signal or order given by a police officer;
2) by a group; or
3) by a means of transport in a location not intended for crossing;
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 259. Illegal transportation of aliens across state border or temporary border line of Republic of Estonia

(1) Illegal transportation of an alien across the state border or temporary border line of the Republic of Estonia is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 260. Stay of alien in Estonia without legal basis

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 260^1. Provision of employment for alien staying in Estonia without legal basis

(1) Provision of employment by an employer in Estonia for an alien staying in Estonia without legal basis if the act does not contain the necessary elements of an offence provided for §§ 133, 133^1 or 175 of this Code, and:
[RT I, 04.04.2012, 1 - entry into force 14.04.2012]
1) the act is committed systematically,
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
2) employment is provided for three or more aliens;
3) employment is provided for a minor alien;
4) employment is provided for an alien victim of a crime relating to human trafficking; or
5) this causes a danger to the life or health of the alien or the alien is subject to inhuman or degrading treatment,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 30.06.2011, 1 - entry into force 20.07.2011]

§ 261. Failure to perform duties

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Failure to perform a duty imposed on a person or failure to give notice that performance is impossible is punishable by a fine of up to 100 fine units or by detention.

(2) The same act, if committed during a state of war,
is punishable by a pecuniary punishment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 2000 euros.

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(5) Attempted misdemeanours provided for in subsections (1) and (3) of this section are punishable.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 2
Offences against Public Order

§ 262. Breach of public order

(1) Violation of the general requirements for behaviour in public places
is punishable by a fine of up to one hundred fine units or by detention.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 2000 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 263. Aggravated breach of public order

(1) Violation of the general requirements for behaviour in public places if such act was committed:
1) by using violence; or
2) by using threat with a weapon or any other object used as a weapon, an explosive device or explosive substance
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 264. Cruel treatment of animals

(1) Commission of prohibited act with respect to animals:
1) [repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]
2) in a public place; or
3) in a cruel manner,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 264[1]. Violation of requirements for holding public meetings

Violation of requirements established with regard to holding public meetings
is punishable by a fine of up to 200 fine units.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 265. Unauthorised public meeting

(1) Organising an unauthorised public meeting or incitement to participation in such meeting
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 266. Illegal entry and failure to comply with demand to leave

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Illegal entry into a building, premises, vehicle or enclosed area against the will of the possessor thereof or unlawful failure to comply with demand of the possessor to leave
is punishable by a fine of up to 300 fine units or by detention.

(2) The same act if:
1) committed by entry into premises used for habitation;
2) committed by use of violence;
3) entry into a territory, building or premises enjoying diplomatic immunity took place; or
4) committed with the intention of occupying an area, building or premises or of interfering with the regular operation thereof,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 3200 euros.

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 267. Failure to comply with demand to leave building, room, vehicle or enclosed area of another

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 268. Provision of opportunity to engage in unlawful activities

(1) Providing premises for the purposes of illegal consumption of narcotic drugs or psychotropic substances, or for organising illegal gambling,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) For a criminal offence provided in this section:
1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or
2) the court imposes, pursuant to the provisions of § 83^2 of this Code, extended confiscation of the property obtained by the criminal offence.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 268^1. Aiding prostitution

[Repealed - RT I, 04.04.2012, 1 - entry into force 14.04.2012]

§ 269. Unlawful firing of red signal rockets

Unlawful firing of a red signal rocket
is punishable by a fine of up to one hundred fine units or by detention.

§ 270. Unauthorised raising of sunken property of another

(1) Raising of sunken property of another located in the territorial waters or the exclusive economic zone of Estonia without the authorisation of a competent state agency
is punishable by a fine of up to three hundred fine units or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 271. Violation of procedure for use of national flag

(1) Violation of the requirements for hoisting the Estonian flag or use of the Estonian flag or its colour combination or use of the Estonian flag as a trade mark
is punishable by a fine of up to one hundred fine units or by detention.

(2) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 960 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 272. Illegal hoisting of national flag of Republic of Estonia on ship

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 273. Violation of obligation to fly national flag of Republic of Estonia on ship

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 3
Offences against Exercise of Public Authority

Subdivision 1
Offences against Representatives of State Authority

§ 274. Violence against representative of state authority

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Use of violence against a representative of state authority in connection with performance of his or her official duties
is punishable by up to five years' imprisonment.

(2) The same act:
1) with the intention of coercing the representative of state authority into commission of an unlawful act;
2) by a group;
3) if committed repeatedly;
4) if committed by using a weapon or any other object used as a weapon, or by threatening to use a weapon or any other object used as a weapon,
is punishable by one to five years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 275. Insult of representative of state authority

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Insult to a representative of state authority protecting public order in connection with performance of his or her official duties
is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 275^{1}. Defamation of representative of state authority

(1) Defamation of a representative of state authority in connection with performance of his or her official duties is punishable by a pecuniary punishment or up to two years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 276. Disregard of lawful order given by representative of state authority

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 277. Unlawful use of uniform or identification of official

(1) Unlawful use of the uniform or identification of an official
is punishable by a fine of up to three hundred fine units or by detention.

(1^1) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in this section.

§ 278. False emergency calls

(1) Making knowingly false emergency calls to the Rescue Board, police, emergency medical care or any other emergency or road service, or causing a knowingly false dispatch of a corresponding emergency vehicle,
is punishable by a fine of up to three hundred fine units or by detention.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 279. Interference with exercise of state supervision

(1) Obstruction of state supervision in a form which did not allow supervision
is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 16,000 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Subdivision 2
Offences Relating to Data

§ 280. Submission of false information

(1) Knowing submission of false information to an administrative authority
is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed with the intention of getting official documents, obtaining rights or release from obligations and if it does not contain the necessary elements of an offence provided for in §§ 209 to 213 of this Code,
is punishable by a pecuniary punishment or up to two years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 2000 euros.

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 281. Submission of incorrect information to registrar of court register, Estonian Central Register of Securities, marital property register, notary or bailiff

(1) Submission of incorrect information to the registrar of the commercial register, the registrar of the non-profit associations and foundations register, the registrar of the ship register, the registrar of the commercial pledge register, the registrar of the Estonian Central Register of Securities, the marital property register, the maintainer of a land register, a notary or a bailiff
is punishable by a pecuniary punishment or up to two years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 282. Failure to give notice of birth or death

Failure by a person who is required to give notice of a birth or death to notify the official registering births and deaths within the term prescribed by law
is punishable by a fine of up to one hundred fine units.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 283.–§ 287.[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Chapter 17

OFFENCES RELATING TO OFFICE

Division 1
Abuse of authority

§ 288. Definition of official

[RT I 2007, 13, 69 - entry into force 15.03.2007]

(1) For the purposes of the Special Part of this Code, an official is a natural person who holds an official position for the performance of public duties regardless of whether he or she performs the duties imposed on him or her permanently or temporarily, for a charge or without charge, while in service or engaged in a liberal profession or under a contract, by appointment or election.
[RT I, 05.07.2013, 2 - entry into force 15.07.2013]

(2) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) In the criminal offences specified in §§ 293–298[1] of this Code, "an official" is also a foreign official. A foreign official is an elected or appointed person who performs the functions of the legislative, executive or judicial power in a foreign state or an administrative unit of any level thereof, or who performs public law functions for a foreign state, its administrative unit, public institution or public undertaking, as well as a public servant or representative of an international organisation in public law, including a member of an international representative body or court.
[RT I 2008, 33, 200 - entry into force 28.07.2008]

(4) Taking advantage of his or her official position by an official of a foreign state is deemed to include commission of an act or omission thereof taking advantage of his or her official position regardless of whether the act is in the competence of the official.
[RT I 2008, 33, 200 - entry into force 28.07.2008]

§ 289. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 290. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 290[1]. Torture

(1) Causing of great or consistent physical or mental pain by an official without legal grounds to a person with the intention of receiving statements from him or her or third persons, punishment, frightening, coercion or discrimination, as well as instigation by an official to such act or consent to such act
is punishable by one to seven years' imprisonment.

(2) The same act, if committed:
1) against two or more persons; or
2) against a person of less than eighteen years of age; or
3) by a group,
is punishable by two to ten years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 291. Abuse of authority

Unlawful use of a weapon, special equipment or physical force by an official
is punishable by a pecuniary punishment or by one to five years' imprisonment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 291[1]. Unlawful exercise of state supervision

Knowing making of an unlawful decision or performance of an unlawful act or knowing and unlawful failure to make a decision or perform an act by an official performing state supervision duties or supervision duties assigned by law to a local government, if significant proprietary damage is thereby caused or if this causes other serious consequences to another person, except for the state or local government,
is punishable by a pecuniary punishment or up to five years' imprisonment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 292. Violation of requirements for maintenance of databases

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 2
Breach of Duty to Maintain Integrity

§ 293. Accepting of gratuities

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 294. Accepting of bribe

(1) Consent by an official to a promise of property or other advantages to him or her or third persons or acceptance thereof in exchange for using of his or her official position
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed:
1) at least twice;
2) by requesting a bribe;
3) by a group; or
4) on a large-scale basis;
is punishable by one to ten years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(4) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83^2 of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 295. Arranging of receipt of gratuities

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 296. Arranging of bribe

(1) Arranging of a bribe
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 297. Granting of gratuities

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 298. Giving of bribe

(1) Giving or promising of a bribe
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed:
1) at least twice;
2) by a group; or
3) on a large-scale basis;
is punishable by one to ten years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 298^1. Influence peddling

(1) Requesting, consenting to promising of property or other advantage by a person to himself or herself or third persons or accepting thereof in exchange for his or her actual or alleged influence peddling over an official with

the intention of getting unequal or unjustified advantages from the point of view of public interest for the person giving the advantage or third persons, as well as promising of giving an advantage for the same purpose is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2006, 21, 160 - entry into force 25.05.2006]

§ 299. Counterfeiting or falsification of documents by officials

(1) Falsification of a document or issue of a falsified document by an official
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 300. Violation of requirements for public procurement

(1) Violation of the requirements for public procurement proceedings with the intention of granting an advantage to a party to the proceeding, as well as entry into a procurement contract without the public procurement proceedings required according to law with the intention of granting an advantage is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if the value of a public procurement or value of the procurement contract entered into is particularly high,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 300^1. Violation of procedural restrictions

(1) Knowing violation of a procedural restriction established by the Anti-corruption Act to a large extent is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed on a particularly large-scale basis,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 300^2. Knowing performance by notary of unlawful notarial act

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 301. Application of confiscation

A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in §§ 293 to 299 of this Code.

Chapter 18
OFFENCES AGAINST ADMINISTRATION OF JUSTICE

Division 1
Obstruction of Administration of Justice

§ 302. Influencing of administration of justice by causing serious health damage

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Causing of serious health damage with the intention of compelling a judge, lay judge, preliminary investigator, prosecutor, representative of participants in proceedings, trustee in bankruptcy, expert, interpreter or translator or other persons participating in administration of justice to act contrary to the interests of justice or in revenge for the performance of his or her duties by such person,
is punishable by four to twelve years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 303. Influencing of administration of justice

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Commission of an act of violence against a person participating in administration of justice by or influencing such person in another manner with the intention of compelling him or her to act contrary to the interests of justice or in revenge for the performance of his or her duties by such person
is punishable by a pecuniary punishment or by one to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 304. Damaging or destroying property of judges, lay judges, preliminary investigators, prosecutors, criminal defence counsels, representatives of victims, or their close persons

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 305. Insulting of court

(1) Insulting of a court, judge or lay judge in connection with their participation in administration of justice
is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 305^{1}. Defamation of court

(1) Defamation of a court, judge or lay judge in connection with their participation in administration of justice
is punishable by a pecuniary punishment or up to two years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 306. Non-disclosure of criminal offence

(1) Non-disclosure by a person other than the offender of a criminal offence in the first degree after the fact
is punishable by a pecuniary punishment or up to five years' imprisonment.

(1^{1}) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) Non-disclosure of a criminal offence after the fact by the offender's parent, child, adoptive parent, adopted child, brother, sister, grandparent, grandchild, spouse or a parent thereof does not constitute guilt.

§ 307. Failure to report crime

(1) Failure to report commission by another person of a criminal offence in the first degree
is punishable by a pecuniary punishment or up to three years' imprisonment.

(1^{1}) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) Failure by the offender's parent, child, adoptive parent, adopted child, brother, sister, grandparent, grandchild, spouse or a parent thereof to report commission of a criminal offence in the first degree does not constitute guilt.
[RT I 2003, 83, 557 - entry into force 01.01.2004]

§ 308. Violation of requirements for safekeeping recorded assets

(1) Use or disposal, without the authorisation of the entitled person, of assets recorded in order to secure a civil action, execution proceeding, confiscation, fine, pecuniary punishment, fine to the extent of assets or compensation for legal costs, by a person who is responsible for the storage of the assets
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 309. Obstruction of activities of court security guard

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 2
Offences against Person's Rights in Pre-trial, Extra-judicial or Court Proceedings

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 310. Unlawful bringing of charges

Knowing bringing of charges against an innocent person by a prosecutor, entry into an agreement with him or her in an agreement process or preparation of a knowingly illegal order for administration of coercive psychiatric treatment
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 311. Knowing making of unlawful decision by judge

Knowing making of unlawful decision by judge
is punishable by five to ten years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 311[1]. Knowing making of unlawful decision by assistant judge or judicial clerk

[RT I, 21.06.2014, 8 - entry into force 01.07.2014]
Knowing making of unlawful decision by an assistant judge or judicial clerk
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 21.06.2014, 8 - entry into force 01.07.2014]

§ 311[2]. Knowingly making unlawful decision in misdemeanour proceedings

Knowing making of an unlawful decision in a misdemeanour proceeding by an official or employee of a body conducting extra-judicial proceedings
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 311[3]. Knowingly unlawful termination of misdemeanour proceedings and withdrawal of charges

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
Knowingly unlawful termination of misdemeanour proceedings by an official or employee of a body conducting extra-judicial proceedings, as well as knowingly unlawful termination of criminal proceedings by a prosecutor or official of an investigative body, or knowingly unlawful issue of an authorisation by a prosecutor to an investigative body for termination of criminal proceedings or withdrawal of charges
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 312. Unlawful interrogation

Compelling by a preliminary investigator or prosecutor by violence to give testimony, if it does not contain the necessary elements of offence provided for in § 290[1] of this Code,
is punishable by a pecuniary punishment or by one to five years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 313. Unlawful application of measures securing conduct of proceedings

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
Taking into custody or applying for it, keeping in custody or detention, or compelled attendance knowingly without legal grounds
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 314. Unlawful search or eviction

(1) Unlawful search or eviction from a dwelling
is punishable by a pecuniary punishment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 315. Unlawful surveillance activities and covert collection of information

(1) Unlawful surveillance activities or unlawful and covert collection of information, unlawful concealment or destruction of information collected by surveillance activities or covertly, if conducted by a person with the right arising from law to engage in surveillance or covert collection of information,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 316. Removal and fraudulent creation of evidence

(1) Removal or fraudulent creation of evidence with the intention of obstructing ascertainment of the commission or absence of an act punishable as a criminal offence, or of any other facts relating to the subject of proof,
is punishable by a pecuniary punishment or by one to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 316^1. Unlawful disclosure of information concerning pre-trial proceedings in criminal matters and surveillance proceedings

(1) Unlawful disclosure of information relating to pre-trial proceeding in a criminal matter or information relating to surveillance proceedings carried out in order to prevent or combat a criminal offence by a person who became aware of such information in connection of the performance of his or her employment duties or functions, resulting in the impossibility or significant complication of the establishment of the existence or absence of an act subject to punishment as a criminal offence, or establishment of other facts of the subject of proof, or achievement of the aim of surveillance activities
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 316^2. Classification of information without legal basis and classification of state secrets and classified information of foreign states on incorrect legal basis and incorrect level or term of classification

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 317. Obstruction of appearance of party to proceedings, witness, victim, expert, translator or interpreter

(1) Knowingly preventing a party to a proceeding, a witness, expert, translator or interpreter from appearing at pre-trial proceedings or court proceedings as well as knowingly influencing the specified persons for the same purpose
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 318. Refusal by witness, victim, translator or interpreter to perform duties

Unjustified refusal by a victim or witness to give testimony in a criminal or misdemeanour proceeding, or civil or administrative court proceeding, or unjustified refusal by a translator or interpreter to perform his or her duties
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I 2006, 7, 42 - entry into force 04.02.2006]

§ 319. False accusation

(1) Submission of knowingly false accusations concerning commission of a criminal offence by another person is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if it involves fraudulent creation of evidence,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2010, 8, 34 - entry into force 27.02.2010]

§ 320. False testimony and perjury

(1) A victim or witness who gives knowingly false testimony in a criminal or misdemeanour proceeding or civil or administrative court proceeding, or a party to a proceeding who gives knowingly false statements under oath or provides a knowingly incorrect inventory of assets or calculation of income or expenditure under oath
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 23.02.2011, 1 - entry into force 01.09.2011]

(2) The same act, if it involves fraudulent creation of evidence,
is punishable by a pecuniary punishment or up to five years' imprisonment.

§ 321. False expert opinion or false translation or interpretation

(1) Rendering a knowingly false opinion by an expert, or provision of a knowingly false translation or interpretation by a translator or interpreter,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if it involves fraudulent creation of evidence,
is punishable by a pecuniary punishment or up to five years' imprisonment.

§ 322. Coercion into giving false testimony, rendering false expert opinion or provision of false translation or interpretation

(1) Coercion into giving false testimony, rendering false expert opinion or provision of false translation or interpretation, if committed by using violence,
is punishable by a pecuniary punishment or up to four years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 323. Violence against persons involved in administration of justice

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Use of violence against suspects, accused, acquitted persons, convicted offenders, witnesses or victims with the intention of preventing him or her from performing his or her duties, exercising his or her rights in criminal proceedings or taking revenge for his or her lawful activities in criminal proceedings
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 323[1]. Violation of confidentiality requirement

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 3
Offences against Enforcement of Punishment

§ 324. Unlawful treatment of prisoners

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
Degrading of the dignity of a prisoner, person in detention or custody or taken into custody to recover from intoxication, or discriminating against such person or unlawful restricting of his or her rights by an official of a custodial institution taking advantage of his or her official position, if it does not contain the necessary elements of office provided for in § 290[1] of this Code,
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 325. Unlawful delivery of substance or object in custodial institution

(1) Delivery, in a custodial institution, of a prohibited substance or object to a prisoner or a person in detention or custody
is punishable by a fine of up to three hundred fine units or by detention.

(2) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of a substance or object which was the direct object of the commission of an offence provided for in this section.

§ 326. Unlawful release of prisoners, persons in detention or custody

Unlawful release of a prisoner, a person in detention or custody from a custodial institution by an official of the custodial institution or any other person who was required to prevent escape of the prisoner from the custodial institution
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 327. Mutiny in prison

(1) Organisation of activities which are contrary to the internal procedure rules of the institution in a custodial institution or participation in such activities
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by using threat with a weapon, any other object used as a weapon, an explosive device or explosive substance,
is punishable by one to five years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(3) The same act if it causes:
1) serious damage to the health of a person; or
2) death of a person,
is punishable by six to fifteen years' imprisonment.

§ 328. Escape of prisoners, persons in detention or custody

[RT I 2007, 13, 69 - entry into force 15.03.2007]
Escape of a prisoner, person in detention or custody
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 329. Evasion of service of sentence

Knowing evasion of service of an enforced imprisonment or resumption of service of a sentence by a prisoner who has been permitted to leave the custodial institution, and of enforcement of a supplementary punishment provided for in §§ 49, 49[1], 50, 51, 52 or 52[2] of this Code which have been imposed for a criminal offence and enforced,
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 330. Manufacture, acquisition, possession, or consumption without prescription of alcoholic beverages or other substances containing spirit by prisoner or person in detention or custody

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 331. Preparation, acquisition and possession of narcotic drugs or psychotropic substances by prisoner or person in detention or custody and consumption by prisoner or person in detention or custody of such drugs or substances without prescription

A prisoner or person in detention or custody who prepares, acquires or possesses narcotic drugs or psychotropic substances or consumes such drugs or substances without a prescription
is punishable by up to three years' imprisonment.
[RT I 2003, 83, 557 - entry into force 01.01.2004]

Division 4
Offences against Enforcement of Court Decision

[RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 331[1]. Failure to enforce court decision

(1) Failure to enforce a court decision made in a civil matter whereby a person is required to surrender a child or thing, to perform an act which cannot be substituted or to refrain from performing such act, if the person has been punished by a fine or penalty payment or detention in an execution proceeding for such act,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 331[2]. Violation of restriction order

Violation of a restriction order or other measure of protection of personality right imposed by a court decision, if this poses a danger to the life, health or property of persons, or repeated violation of a restriction order or other measure of protection of personality right
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I 2009, 59, 388 - entry into force 20.12.2009]

§ 331[3]. Knowingly unlawful seizure and sale of property by bailiff

(1) Knowing and unlawful seizure or selling of property by a bailiff to a significant extent
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if major proprietary damage is thereby caused,
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 331[4]. Violation of supervisory requirements and obligations of supervision of conduct after service of sentence

Intentional violation of supervisory requirements or obligations imposed subject to supervision of conduct by a person subjected to supervision of conduct after service of the sentence
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I 2009, 39, 261 - entry into force 24.07.2009]

Chapter 19
OFFENCES AGAINST PUBLIC TRUST

Division 1
Counterfeiting of Payment Means, Official Stamps or Markings

§ 332. Payment means, official stamps or markings of foreign states

The provisions of this Division apply also to counterfeiting of money, bank cards and other payment means, securities, revenue stamps and state fineness marks used in foreign states.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 333. Counterfeiting of payment means or securities

(1) Counterfeiting of bank cards or other payments means, including electronic money or securities, with the intention of use, if it does not contain the necessary elements of an offence provided for in § 333[1] of this Code,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I 2010, 11, 54 - entry into force 28.03.2010]

(2) The same act, if committed:
1) at least twice; or
2) on a large-scale basis;
is punishable by one to six years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 333[1]. Counterfeiting money

(1) Counterfeiting of money with the intention of use
is punishable by a pecuniary punishment or up to eight years' imprisonment.

(2) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) This section applies regardless of whether the object of counterfeiting is the money put into circulations or not yet in circulation, if this is intended for circulation and is a currency used as a legal tender.
[RT I 2010, 11, 54 - entry into force 28.03.2010]

§ 334. Handling of counterfeit payment means or securities

[RT I 2010, 11, 54 - entry into force 28.03.2010]

(1) Use, exchange, delivery, bringing counterfeit money into circulation in any other manner, acquisition, holding, import and export or handling thereof in any other manner with the aim of bringing it into circulation, and use of a counterfeit bank card or other payment means or security,
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I 2010, 11, 54 - entry into force 28.03.2010]

(2) The same act, if committed:
1) at least twice; or
2) on a large-scale basis;
is punishable by two to ten years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(5) This section applies regardless of whether the object of counterfeiting is the money put into circulations or not yet in circulation, if this is intended for circulation and is a currency used as a legal tender.
[RT I 2010, 11, 54 - entry into force 28.03.2010]

§ 334[1]. Refusal to hand over counterfeit payment means

(1) Failure to hand counterfeit money over to the Police and Border Guard Administration by employees of credit institutions or financial institutions provided for in the Credit Institutions Act, or providers of payment services or providers of currency exchange services specified in the Money Laundering and Terrorist Financing Prevention Act
is punishable by a fine of up to 300 fine units.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 334[2]. Handling of medals and tokens similar to euro coins

(1) Manufacture of medals or tokens with similar visual characteristics, approximate size or similar metallic characteristics as the euro coins described in Council Regulation (EC) No 2182/2004 concerning medals and tokens similar to euro coins (OJ L 373, 21.12.2004, pp. 1-6) for commercial purposes or the sale, import or distribution of such medals or tokens
is punishable by a fine of up to three hundred fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 20,000 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(3) The Police and Border Guard Administration or court shall, pursuant to the provisions of § 83 of this Code, confiscate an object which was the direct object of the commission of an offence provided for in this section.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 335. Counterfeiting of revenue stamps

(1) Counterfeiting, with the intention of use, an excise stamp, mark, sticker, clip-mark, overprint or special marking, except for a postal payment means or the impression thereof provided for in § 338 of this Code, which is attached to an object of tax or the packaging thereof as proof of payment of the tax,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed:
1) at least twice; or
2) on a large-scale basis;
is punishable by two to ten years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 336. Use and bringing into circulation of counterfeit revenue stamps

(1) Use, transfer, or bringing into circulation in any other manner of counterfeit revenue stamps
is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed to a significant extent,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 5000 euros.

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(5) Attempted misdemeanours provided for in subsections (1) and (3) of this section are punishable.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 337. Counterfeiting of postal payment means or impressions thereof

(1) Counterfeiting, with the intention of use, a postage stamp, including postage stamps removed from circulation or not in use, an international reply coupon, franking machine impression or a franking impression made by a printing press
is punishable by a fine of up to 200 fine units or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 2000 euros.

(3) Attempted misdemeanours provided for in this section are punishable.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 338. Bringing into circulation counterfeit postal payment means or impressions thereof

(1) Use, exchange, transfer or bringing into circulation in any other manner of counterfeit postage stamps, including counterfeit postage stamps removed from circulation or not in use, a counterfeit international reply coupon, counterfeit franking machine impression or counterfeit franking impression made by a printing press is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.

(3) Attempted misdemeanours provided for in this section are punishable.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 339. Counterfeiting of fineness marks and use of counterfeit fineness marks

(1) Counterfeiting of state fineness marks or use thereof on a material not corresponding to the mark with the intention of bringing such products into circulation
is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed to a significant extent,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 3200 euros.

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(5) Attempted misdemeanours provided for in subsections (1) and (3) of this section are punishable.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 340. Preparation for counterfeiting of money, bank cards, other payment means, securities, revenue stamps or state fineness marks

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Acquisition, manufacture, adaptation, storage or transfer of a device or other equipment necessary for counterfeiting money, bank cards or other payment means, securities, revenue stamps or fineness marks, and holograms or other anti-counterfeiting features on money,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) This section applies regardless of whether the object of counterfeiting being prepared for is the money put into circulations or not yet in circulation, if this is intended for circulation and is a currency used as a legal tender.
[RT I 2010, 11, 54 - entry into force 28.03.2010]

§ 341. Counterfeiting of honorary decorations

(1) Counterfeiting honorary decorations of the Republic of Estonia with the intention of using the decorations is punishable by a pecuniary punishment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 342. Counterfeiting of transport tickets or cards

(1) Counterfeiting a transport ticket or card, or use or sale of counterfeit transport tickets or cards,
is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 343. Application of confiscation

A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in this Division.

Division 2
Counterfeiting or Damaging of Documents

§ 344. Counterfeiting of documents, seals or blank document forms

(1) Counterfeiting a document, seal or blank document form on the basis of which it is possible to obtain rights or release from obligations
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 345. Use of counterfeit documents, seals or blank document forms

(1) Use of a knowingly counterfeit document, seal or blank document form with the intention of obtaining rights or release from obligations
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 346. Destruction, damaging, theft, withholding or concealment of documents, seals or stamps

[RT I, 23.12.2014, 14 - entry into force 01.01.2015]
Destruction, damaging, theft, withholding or concealment of an official document, seal or stamp
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 347. Falsification of important identity documents

(1) Falsification of an important identity document
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 348. Obtaining, use or grant of permission to use falsified important identity document

[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

(1) Knowing obtaining, use or granting of permission to use a falsified important identity document
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 349. Fraudulent use of important identity documents

Use of an important identity document issued in the name of another person or granting of permission to another person to use an important identity document issued in his or her own name, with the intention of obtaining rights or release from obligations,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 350. Important identity document

For the purposes of this Division, an important identity document is an identity card, digital identity card, residence permit card, Estonian passport, diplomatic passport, seafarer's service record book, alien's passport, temporary travel document, travel document for a refugee, certificate of record of service on Estonian ships, certificate of return, authorisation for return, travel document of a foreign state, travel document of an international organisation or motor vehicle driver's licence.
[RT I, 09.12.2010, 1 - entry into force 01.01.2011]

§ 351. Application of confiscation

A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in §§ 344 to 348 of this Code.

Chapter 20
OFFENCES AGAINST ENVIRONMENT

§ 352. Causing risk of fire in nature

(1) Causing of risk of fire or violation of the requirements for ensuring fire safety and preventing the spread of fire in a forest or elsewhere in nature
is punishable by a fine of up to two hundred fine units or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 353. Activities dangerous to flora

(1) Driving a motor vehicle in a natural or agricultural area if driving in such area is prohibited or permitted only with a permit and the person concerned does not hold such permit, or failure to implement measures obligatory for possessors of land in order to prevent plant diseases or pests or the spread of weeds,
is punishable by a fine of up to two hundred fine units or by detention.

(2) The same act, if significant damage is thereby caused to flora or if a plant disease or pests or weeds spread outside the cadastral unit and cause significant damage to the flora outside the cadastral unit,
is punishable by a pecuniary punishment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 2000 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 354. Damaging or destruction of trees or shrubs

(1) Damaging or destroying trees or shrubs in violation of the requirements for the protection or use of forests or other green areas, if significant damage is thereby caused to the environment,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if significant damage is thereby caused to the environment through negligence,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 355. Damaging or destruction of trees or shrubs through negligence

(1) Damaging or destruction of trees or shrubs through negligence in violation of the requirements for the protection or use of forests or other green areas, if major damage is thereby caused to the environment,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 356. Illegal cutting of trees or shrubs

(1) Illegal cutting of trees or shrubs, if significant damage is thereby caused to the environment,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) An act provided for in subsection (1) of this section, if significant damage is thereby caused to the environment through negligence,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 357. Violation of requirements for protection of protected natural objects

(1) Violation of the requirements for the use or protection of a protected natural object, if significant damage is thereby caused to the protected natural object,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if significant damage is thereby caused to the protected natural object through negligence,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 358. Violation of requirements for protection of protected natural objects through negligence

(1) Violation of the requirements for the use or protection of a protected natural object through negligence, if major damage is thereby caused to the protected natural object,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 359. Damaging of landscape

(1) Violation of the requirements for the protection or use of shores, banks or other natural objects, if significant damage is thereby caused to a shore, bank or landscape,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if significant damage is thereby caused to the shore, bank or other natural objects through negligence,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 360. Damaging of landscape through negligence

(1) Violation of the requirements for the protection or utilisation of shores, banks or other natural objects through negligence, if major damage is thereby caused to a shore, bank or landscape,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 361. Damaging of wild fauna

(1) Violation of the requirements for hunting, catching or other utilisation of wild game, fish or other wild fauna, if significant damage is thereby caused to the environment, or unlawfully organising the hunting or catching of wild game, fish or other wild fauna,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I 2002, 56, 350 - entry into force 01.09.2002]

(2) An act provided for in subsection (1) of this section, if significant damage is thereby caused to the environment through negligence,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 362. Violation of requirements for transportation, storage or processing of natural products

(1) Violation of the requirements for transportation, storage or processing of natural products
is punishable by a fine of up to three hundred fine units or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 363. Operation without environmental permit

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Operation without an environmental permit, if such permit is required, and violation of the requirements set forth in the permit, if it causes a danger to human life or health or a risk of significant damage to the environment
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if significant damage is thereby caused to the environment,
is punishable by up to three years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 364. Polluting environment

(1) Unlawful release of substances, energy or waste into the environment, or causing noise exceeding the established limits if it causes a danger to human life or health or a risk of significant damage to the quality of water, soil or ambient air, or to individuals of animal or plant species or parts thereof,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if it causes significant damage to the quality of water, soil or ambient air, or to individuals of animal or plant species or parts thereof,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2^1) The same act, if it causes major damage to the quality of water, soil or ambient air, or to individuals of animal or plant species or parts thereof,
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) An act provided for in subsections (1), (2) or (2^1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 365. Polluting environment through negligence

(1) Unlawful release of substances, energy or waste into the environment, or causing noise exceeding the established limits through negligence if it causes a danger to human life or health or a risk of significant damage to the quality of water, soil or ambient air, or to individuals of animal or plant species or parts thereof,
is punishable by a pecuniary punishment.

(1^1) The same act, if it causes significant damage to the quality of water, soil or ambient air, or to individuals of animal or plant species or parts thereof,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(1^2) The same act, if it causes major damage to the quality of water, soil or ambient air, or to individuals of animal or plant species or parts thereof,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) An act provided for in subsections (1), (1^1) or (1^2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 365^1. Violation of prohibition of pollutant discharges from ships into sea

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Prohibited systematic discharge of pollutants from ships into sea, if it does not contain the necessary elements of an offence provided for in § 364 of this Code,
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 365[2]. Violation of prohibition of pollutant discharges from ships into sea through negligence

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Prohibited systematic discharge of pollutants from ships into sea through negligence, if it does not contain the necessary elements of an offence provided for in § 365 of this Code,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 366. Violation of procedure for utilisation of natural resources or procedure for maintenance of records on pollution

(1) Violation of the procedure for utilisation of natural resources or the procedure for maintenance of records on pollution or the requirements for environmental monitoring
is punishable by a fine of up to one hundred fine units or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 2000 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 367. Violation of requirements for chemicals and waste management

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Violation of the requirements for chemicals or waste management, if it causes a danger to human life or health or a risk of significant damage to the quality of water, soil or ambient air, or to individuals of animal or plant species or parts thereof,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) [Repealed - RT I, 11.03.2011, 1 - entry into force 21.03.2011]

(3) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 368. Violation of requirements for chemicals and waste management through negligence

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Violation of the requirements for chemicals or waste management through negligence, if it causes a danger to human life or health or a risk of significant damage to the quality of water, soil or ambient air, or to individuals of animal or plant species or parts thereof,
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 368[1]. Violation of requirements for transboundary movement of waste

(1) Violation of the requirements for the transboundary movement of waste, if significant quantities of waste were moved,
is punishable by a pecuniary punishment or up to two years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 368[2]. Illegal plant operation

(1) Illegal plant operation, which causes, outside the plant, a danger to human life or health or a risk of significant damage to the quality of water, soil or ambient air, or to individuals of animal or plant species or parts thereof,
is punishable by a pecuniary punishment or up to two years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 368[3]. Operation of products prohibited in order to protect ozone layer

(1) The production, import or export or placing on the market or unlawful use of products which are prohibited in order to protect the ozone layer
is punishable by a pecuniary punishment or up to two years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 11.03.2011, 1 - entry into force 21.03.2011]

§ 368[4]. Violation of requirements for transboundary movement of waste through negligence

(1) Violation of the requirements for the transboundary movement of waste through negligence, if significant quantities of waste were moved,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 368[5]. Illegal plant operation through negligence

(1) Illegal plant operation through negligence, which causes, outside the plant, a danger to human life or health or a risk of significant damage to the quality of water, soil or ambient air, or to individuals of animal or plant species or parts thereof,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 368[6]. Operation of products prohibited in order to protect ozone layer through negligence

(1) The production, import or export or placing on the market or unlawful use, through negligence, of products which are prohibited in order to protect the ozone layer
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 369. Causing of flood, paludification or prohibited reduction of amount of water

(1) Causing a flood, paludification or prohibited reduction of the amount of water in a water body or the aquifer, if significant damage is thereby caused to the environment,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if significant damage is thereby caused to the environment through negligence,
is punishable by a pecuniary punishment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 370. Causing of flood, paludification or prohibited reduction of amount of water through negligence

(1) Negligently causing a flood, paludification or prohibited reduction of the amount of water in a water body or the aquifer, if significant damage is thereby caused to the environment,
is punishable by a pecuniary punishment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 371. Damaging of boundary markers or geodetic network marks

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Chapter 21
ECONOMIC OFFENCES

Division 1
Illegal Economic Activities

§ 372. Economic activities without activity licence and prohibited economic activities

(1) Economic activities in a field subject to a special prohibition or prohibition of economic activities applied on the basis of the General Part of the Economic Activities Code Act, and activities without an activity licence in a field where such activity licence is required
is punishable by a fine of up to three hundred fine units or by detention.
[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed to - RT I, 22.12.2013, 1)]

(2) The same act if:
1) [repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]
2) danger to the life or health of numerous people is caused thereby, or
3) committed within a field of activity relating to health services, handling of infectious materials, aviation, railway traffic or provision of credit, insurance or financial services,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(3) An act specified in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 32,000 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(4) An act specified in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(5) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of a substance or object which was the direct object of the commission of an offence provided for in this section.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 372[1]. Extra-territorial application of legislation adopted by third countries, and actions based thereon, and failure to notify of effects of legislation adopted by third countries, and actions based thereon to economic or financial interests

(1) Implementation of the legislation adopted by the states specified in the Annex to Council Regulation (EC) No 2271/96 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom (OJ L 309, 29.11.1996, pp. 1-6), and actions based thereon, including compliance with the requirements of courts outside the Member States of the European Union, or failure to notify the European Commission of the effects of the legislation of the states specified in the Annex to such Regulation or actions based thereon on its economic or financial interests
is punishable by a fine of up to three hundred fine units.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 32,000 euros.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 373. Violation of prohibition on business or prohibition to work in particular profession or position

Violation of a prohibition on business or a prohibition to work in a particular profession or position, if such prohibition is prescribed a court decision and the violation does not contain the necessary elements of an offence provided for in § 329 of this Code,
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 374. Illegal production of alcohol

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 375. Unlawful handling of alcohol

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Manufacturing, bottling or processing in large quantities of alcohol which handling is prohibited, and trading in, storage, warehousing or delivery in large quantities of alcohol not marked with revenue stamp or alcohol which handling is prohibited
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) The court shall confiscate the substance which was the direct object of commission of an offence provided for in this section.

(4) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § $83^2$of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 376. Violation of procedure for handling tobacco products

(1) Trading in tobacco products packaged in sales packaging without revenue stamps or not in compliance with requirements, or possession, storage or distribution of such tobacco products in large quantities
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.

(4) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § $83^2$of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 376^1. Unlawful removal of additives from liquid fuel with fiscal marker and handling of liquid fuel obtained as result thereof

(1) Removal of additives used for fiscal marking from liquid fuel with a fiscal marker or possessing, storage, transfer or offer for sale of liquid fuel obtained as a result of such removal, if the object of the act is a large quantity of liquid fuel
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) The court shall confiscate the substance or object which was the direct object of commission of an offence provided for in this section.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(4) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § $83^2$of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 376^2. Unlawful handling of liquid fuel

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Illegal production, storage, warehousing for commercial purposes in liquid fuel in large quantities or trade therein
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,

is punishable by a pecuniary punishment.

(3) The court shall confiscate the substance or object which was the direct object of commission of an offence provided for in this section.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(4) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83^2 of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 2
Offences Relating to Companies

§ 377. Unjustified disclosure and use of business secrets

(1) Disclosure or use of a business secret of which the person became aware in connection with his or her professional or official duties without the permission of the relevant undertaking, if such act was committed for commercial purposes or with the aim to cause damage,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 378. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 379. Failure to submit or incorrect submission of results of audit or special audit

(1) A sworn auditor or a person conducting a special audit who in a report fails to submit or incorrectly submits significant facts which became known to him or her in the conduct of an audit or special audit
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 12.11.2010, 1 - entry into force 15.11.2010]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 380. Failure to call meeting of shareholders and members of commercial association

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 381. Submission of incorrect information concerning financial situation of or other verifiable circumstances relating to company

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
Knowing submission by a founder, member of the management board or substituting body, supervisory body or liquidator of a company of incorrect essential information concerning the financial situation of or other verifiable circumstances relating to the company to the founders, shareholders, members, auditor or special auditor of the company
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 381^1. Violation of obligation to maintain accounting

(1) Knowing violation of the requirements for maintaining accounting or knowing and unlawful destruction, concealing or damaging of accounting documents, or failure to submit information or submission of incorrect information in accounting documents, if the possibility to obtain an overview of the financial situation of the accounting entity is thereby significantly reduced,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if a court has announced the bankruptcy of the accounting entity or terminated the bankruptcy proceedings due to abatement,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(3) An act specified in subsection (1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 382. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 383. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

Division 3
Offences Relating to Bankruptcy and Enforcement Procedure

§ 384. Causing insolvency

(1) Knowing damaging of the financial situation of a debtor with respect to liabilities by a debtor who is a natural person, his or her legal representative, or by a member of the management body or a body substituting therefor of a debtor who is a legal person, if material decline in the solvency or insolvency of the debtor is caused thereby,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The act provided in subsection (1) of this section is punishable only if the court has announced the bankruptcy of the person who performed such act or the debtor who is a legal person, or has terminated bankruptcy proceedings due to abatement.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 384[1]. Unequal treatment of creditors

(1) Preferring of one creditor to another in a manner knowingly prejudicial to such creditor by a member of a management body of a debtor who is a legal person or a body substituting therefor upon performance of the obligations of the debtor, if the ability of the debtor to satisfy the claims of injured creditors decreased thereby by an amount corresponding to or exceeding major damage,
is punishable by a pecuniary punishment or up to two years' imprisonment.

(2) The act provided for in subsection (1) of this section is punishable only if the court has declared bankruptcy of the debtor or terminated the bankruptcy petition proceedings by abatement without declaration of bankruptcy.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 385. Concealment of property in bankruptcy and execution proceedings

Concealment, to a significant extent, of the property of a debtor who is a natural person, a member of the management board or the body substituting therefor of a debtor who is a legal person, in bankruptcy or execution proceedings or from an interim trustee, or submission of incorrect information concerning this or other circumstances important for the creditor, if the property is recorded to a significant extent in the information,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 385[1]. Failure to perform obligation to submit petition in bankruptcy

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 4
Tax Fraud

§ 386. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 387. [Repealed - RT I 2002, 44, 284 - entry into force 01.09.2002]

§ 388. [Repealed - RT I 2002, 44, 284 - entry into force 01.09.2002]

§ 389. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 389[1]. Concealment of tax liability and unfounded increase of claim for refund

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Failure to submit information or submission of incorrect information to tax authorities for the purpose of reduction of an obligation to pay a tax or obligation to withhold, or increase a claim for refund, if a tax liability or obligation to withhold is thereby concealed or a claim for return is unfoundedly increased by an amount corresponding to or exceeding major damage,

is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if a tax liability or obligation to withhold is thereby concealed or a claim for refund is unfoundedly increased by an amount corresponding to particularly great damage,
is punishable by one to seven years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(4) For criminal offence provided for in subsection (2) of this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § $83^2$of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 389^2. Major tax fraud

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 390. [Repealed - RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 391. Illicit traffic

(1) Evasion of customs control, failure to declare goods or cash, declaration of goods or cash under an incorrect tariff classification or use of a false description, or use of any other fraud while carrying goods or cash to be declared across the frontier of the customs territory of the European Union, if the object of the act is a large quantity of goods,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 14.01.2014, 2 - entry into force 01.02.2014]

(2) The same act:
1) by an official taking advantage of his or her official position; or
2) by a group,
is punishable by one to five years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(4) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of a substance or object which was the direct object of the commission of an offence provided for in this section.

(5) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § $83^2$of this Code.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 392. Illicit import and export of prohibited goods or goods requiring a special permit

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 393. Unlawful acts with goods subject to customs preferences and excise goods

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(1) Unlawful acts or transactions with goods brought into Estonia from a country outside the European Union with customs preferences, goods under customs supervision or excise goods, where the object of the acts was a large quantity of goods,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

(3) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of a substance or object which was the direct object of the commission of an offence provided for in this section.

Division 5

Offences Relating to Money Laundering

§ 394. Money laundering

(1) Money laundering
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act:
1) by a group;
2) at least twice; or
3) on a large-scale basis;
is punishable by two to ten years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(5) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an property which was the direct object of the commission of an offence provided for in this section.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

(6) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83^2 of this Code.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 394^1. Money laundering agreement

Conclusion of an agreement for the purpose of execution of money laundering,
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 05.07.2013, 2 - entry into force 15.07.2013]

§ 395. Failure to comply with identification requirement

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 396. Failure to report suspicious transaction, submission of incorrect information

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 6
Offences Relating to Securities Circulation

§ 397. Illegal investment

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 398. Abuse of inside information

(1) Abuse of inside information
is punishable by a fine of up to 300 fine units.

(2) The same act:
1) if proprietary benefits to a significant extent were received thereby, causing of significant damage or significant fall in the price of financial instruments was prevented thereby;
2) if committed or access to inside information was obtained by taking advantage of official position in the issuer, professional securities market participant or its consolidation group, and as a producer or distributor of investment recommendations; or
3) by a group, if the securities market's reliability was significantly damaged thereby,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 400,000 euros.

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(5) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83[2] of this Code.

(6) The limitation period of misdemeanours provided for in subsections (1) and (3) of this section is three years.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 398[1]. Market manipulation

(1) Market manipulation
is punishable by a fine of up to 300 fine units.

(2) The same act, if committed:
1) by the manager of an issuer or its consolidation group or persons close thereto or employees thereof, an employee of a professional securities market participant or its consolidation group, a producer or distributor of investment recommendations, if this resulted in significant damage; or
2) by a group,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a fine of up to 400,000 euros.

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(5) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83[2] of this Code.

(6) The limitation period of misdemeanours provided for in subsections (1) and (3) of this section is three years.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 7
Offences Relating to Competition

§ 399. Abuse of dominant position

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 400. Agreements, decisions and concerted practices prejudicing free competition

(1) Agreements, decisions or concerted practices between undertakings which have as their objective or effect the restriction of competition
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 05.07.2013, 1 - entry into force 15.07.2013]

(2) Agreements, decisions or concerted practices between competitors, including upon participation in public procurements, which:
1) directly or indirectly determine price or other trading terms with respect to third persons;
2) limit production, service, goods markets, technical development or investment; or
3) share markets or sources of supply, restrict access to goods markets to third persons or attempt to exclude third persons from these markets,
is punishable by a pecuniary punishment or by one to three years' imprisonment.
[RT I, 05.07.2013, 1 - entry into force 15.07.2013]

(3) An act provided for in subsection (1) of this section, if committed by a legal person,
is punishable by a pecuniary punishment of up to 5 per cent of the turnover of the legal person.

(4) An act provided for in subsection (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment of 5 to 10 per cent of the turnover of the legal person.
[RT I 2010, 8, 34 - entry into force 27.02.2010]

§ 401. Enforcement of concentration without permission to concentrate and concentration which damages competition

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 402. Failure to perform obligations of undertakings in control of essential facilities

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 8
Offences Relating to Political Parties

[RT I 2003, 90, 601 - entry into force 01.01.2004]

§ 402[1]. Making and acceptance of prohibited large-scale donations

[RT I, 05.02.2014, 1 - entry into force 01.04.2014]

(1) Making of a prohibited large-scale donations or acceptance thereof
is punishable by a pecuniary punishment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 05.02.2014, 1 - entry into force 01.04.2014]

§ 402[2]. Violation of prohibition on acceptance of donations to political party

[Repealed - RT I, 10.12.2010, 1 - entry into force 01.04.2011]

Division 9
Corruption Offences in Private Sector

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 402[3]. Accepting of bribe in private sector

(1) Requesting, consenting to promising, or accepting of property or other advantage by a person competent to engage in economic activities in the interests of a person in private law, and an arbitrator to himself or herself or third person, in exchange for abuse of his or her competence
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 402[4]. Giving of bribe in private sector

(1) Promising or giving of a bribe in the private sector
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Chapter 22
OFFENCES DANGEROUS TO PUBLIC

Division 1
Offences Relating to Poisoning, Arson or Causing Explosion

§ 403. Poisoning dangerous to public

(1) Intentional poisoning of air, public water supplies or an object intended for transfer or grant of use, or knowing delivery or handing over of a poisoned object,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 404. Arson

(1) Setting on fire of an own object or an object which belongs to another person and thereby causing of danger to human life or health
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 405. Causing explosion

(1) Causing an explosion which results in a danger to the life or health of another person or to property
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by using an explosive device or explosive substance,
is punishable by five to ten years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(3) The same act, if committed by using nuclear energy, in a dangerous enterprise or an enterprise liable to be affected by a major accident,
is punishable by eight to twenty years' imprisonment or life imprisonment.

(4) An act provided for in subsections (1), (2) or (3) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 2
Offences Relating to Damaging Vital Public Utilities Systems or Structures or to Life-threatening Construction Work, Production or Other Activities

§ 406. Interference with or damaging vital public utilities systems

(1) Knowing damaging or destruction of a structure or device of the energy, communication, signalling, water supply or sewerage system, traffic control or other vital public utilities system, if it causes a danger to human life or health or the proper functioning of a vital public utilities system,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if it causes interference with or interruption of the functioning of a vital public utilities system,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 407. Damaging vital constructions

(1) Damaging or destruction of a road, railway, bridge, sluice, barrage, dam, viaduct, tunnel or a protective facility thereof, drainage or ventilation equipment of a mine, facilities used for transporting workers into and out of a mine, or any other vital construction, if it causes a danger to the life or health of a large number of people,
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 408. Construction of structure dangerous to life or health

(1) Construction of a structure which is not in compliance with the construction requirements, if it causes a danger to human life or health,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,

is punishable by a pecuniary punishment.

§ 409. Manufacture, processing or marketing of products not in conformity with requirements of technical regulations

(1) Manufacture, processing or marketing of a product which is not in conformity with the requirements of a technical regulation, if a danger to human life or health or to the environment is thereby caused,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 410. Causing radio interference or transmission of false or misleading messages

(1) Causing radio interference or transmission of false or misleading messages, if a danger to the life or health of a large number of people or to the environment is thereby caused,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

Division 3
Offences Relating to Ionizing Radiation

§ 411. Unlawful radiation practice

(1) Engagement in radiation practices without a corresponding licence, if it causes a danger to human life or health or a risk of significant damage to the quality of water, soil or ambient air, or to individuals of animal or plant species,
is punishable by a pecuniary punishment or by one to seven years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 412. Violation of requirements for handling radiation sources

(1) Other violation of the requirements for manufacture, possession, use, transportation or handling of radiation sources, if it causes a danger to the life or health of people or a risk of significant damage to the quality of water, soil or ambient air, or to individuals of animal or plant species,
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 412[1]. Violation of requirements for handling radiation sources through negligence

(1) Other violation of the requirements for manufacture, possession, use, transportation or handling of radiation sources through negligence, if it causes a danger to the life or health of a large number of people or a risk of significant damage to the quality of water, soil or ambient air, or to individuals of animal or plant species,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Division 4
Offences Relating to Explosive Substances

§ 413. Explosive device

For the purposes of this Act, an explosive device is deemed to be a device containing an explosive substance and a mechanism capable of creating an explosion.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 414. Unlawful handling of explosive substances

(1) Unlawful manufacture, possession, acquisition, transfer, marketing or other unlawful handling of explosive substances
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act if:
1) committed at least twice; or
2) the object of the act is a large quantity of explosives,
is punishable by two to ten years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(5) For a criminal offence provided in this section:
1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or
2) the court imposes, pursuant to the provisions of § 83^2 of this Code, extended confiscation of the property obtained by the criminal offence.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 415. Unlawful handling of explosive device or essential component thereof

(1) Unlawful manufacture, acquisition, storage, delivery, transfer, handing over or other unlawful handling of an explosive device or an essential component thereof, except for an explosive substance,
is punishable by a pecuniary punishment or two to ten years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(3) For a criminal offence provided in this section:
1) the court may impose, as supplementary punishment, a pecuniary punishment pursuant to the provisions of § 53 of this Code; or
2) the court imposes, pursuant to the provisions of § 83^2 of this Code, extended confiscation of the property obtained by the criminal offence.
[RT I 2007, 2, 7 - entry into force 01.02.2007]

§ 416. Violation of requirements for handling explosive substances

(1) Violation of the requirements for storage, use, keeping records, transportation or other handling of explosive substances or pyrotechnical products, if such violation causes a danger to the life or health of a large number of people,
is punishable by a pecuniary punishment or up to five years' imprisonment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

(2) The same act, if danger to the life or health of a large number of people is thereby caused through negligence,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 417. Application of confiscation

A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of a substance or object which was the direct object of the commission of an offence provided for in this Division.

Division 5

Offences Relating to Firearms and Ammunition

§ 418. Unlawful handling of firearms or essential components thereof or ammunition

(1) Unlawful handling of firearms or essential components thereof or ammunition, except for the unlawful handling of insignificant quantities of ammunition,
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act if:
1) committed at least twice;
2) the object of the act is a large quantity of firearms, essential components thereof or ammunition; or
3) the act is committed by a group;
is punishable by a pecuniary punishment or up to five years' imprisonment.

(3) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I 2007, 13, 69 - entry into force 15.03.2007]

§ 418[1]. Unlawful handling of firearms prohibited for civilian use or essential components thereof or ammunition

(1) Unlawful handling of firearms prohibited for civilian use or essential components thereof or ammunition, except for the unlawful handling of insignificant quantities of ammunition,
is punishable by one to five years' imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) The same act if:
1) committed at least twice; or
2) the object of the act is a large quantity of firearms, essential components thereof or ammunition,
is punishable by five to fifteen years' imprisonment.

(3) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(4) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 419. Negligent storage of firearms

(1) Negligent storage of a firearm, if this causes health damage to another person or results in a criminal offence committed by using such firearm,
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 23.12.2014, 14 - entry into force 01.01.2015]

§ 420. Unlawful handling of silencers, laser sights or night sights of firearms

(1) Unlawful handling of a silencer, laser sight or night sight of a firearm
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.

§ 421. Application of confiscation

A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of an object which was the direct object of the commission of an offence provided for in this Division.

Division 6
Offences relating to Strategic Goods

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 421[1]. Illegal carriage of strategic goods or illegal provision of services relating to strategic goods

(1) Carriage of strategic goods or provision of services relating to strategic goods without a required valid special authorisation, the right to use them, certification or registration thereof, and trafficking of strategic goods to persons not indicated or end-use not indicated in the special authorisation
is punishable by a pecuniary punishment or up to five years' imprisonment.

(2) The same act:
1) by a group; or
2) if committed at least twice,
is punishable by two to ten years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(4) A court may, pursuant to the provisions of § 83 of this Code, apply confiscation of a substance or object which was the direct object of the commission of an offence provided for in this section.

(5) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83[2]of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 421[2]. Carriage of prohibited strategic goods or provision of services relating to prohibited strategic goods

(1) Carriage of prohibited strategic goods or provision of services relating to prohibited strategic goods
is punishable by three to twelve years' imprisonment.

(2) The same act:
1) by a group; or
2) if committed at least twice,
is punishable by five to twenty years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.

(4) A court shall confiscate a substance or object which was the direct object of commission of any offences provided for in this section pursuant to the provisions of § 83 of this Code.

(5) For the criminal offence provided for in this section, the court shall impose extended confiscation of assets or property acquired by the criminal offence pursuant to the provisions of § 83[2]of this Code.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Chapter 23
TRAFFIC OFFENCES

§ 422. Violation of traffic requirements or vehicle operating rules by driver

(1) Violation of traffic requirements or vehicle operating rules by a driver of a motor vehicle, aircraft, water craft, tram or rail vehicle and thereby causing major damage to the health of a person or the death of a person through negligence
is punishable by up to five years' imprisonment.

(2) The same act, if it causes the death of two or more people,
is punishable by three to twelve years' imprisonment.

§ 423. Violation of traffic requirements or vehicle operating rules by driver through negligence

(1) Violation of traffic requirements or vehicle operating rules by a driver of a motor vehicle, aircraft, water craft, tram or rail vehicle and thereby causing major damage to the health of a person or the death of a person through negligence
is punishable by a pecuniary punishment or up to three years' imprisonment.

(2) The same act, if it causes the death of two or more people,
is punishable by one to five years' imprisonment.

§ 423[1]. Systematic driving of vehicle by person without right to drive

Driving of power-driven vehicles, off-road vehicles or trams by persons without the right to drive power-driven vehicles or trams of the corresponding category, if committed systematically,
is punishable by a pecuniary punishment or up to one year of imprisonment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 424. Driving of power-driven vehicle, off-road vehicle or tram in state of intoxication

Driving a power-driven vehicle, off-road vehicle or tram in state of intoxication
is punishable by a pecuniary punishment or up to three years' imprisonment.
[RT I 2010, 44, 261 - entry into force 01.01.2011]

§ 424[1]. Driving power-driven vehicle, off-road vehicle or tram in state of intoxication through negligence

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 425. Violation of traffic safety requirements or vehicle operating rules

(1) Violation of traffic safety requirements or vehicle operating rules by a person responsible for organising railway, water, air or road traffic, if such violation causes a danger to human life or health, property or the environment,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if it, through negligence:
1) causes the death of a person;
2) causes damage to the health of a person; or
3) causes major damage,
is punishable by up to five years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 426. Unlawful use of identification marks of emergency vehicles

(1) Unlawful application to a motor vehicle of a colour combination similar to a colour combination of an emergency vehicle, or unlawful installation of a special signalling device to a motor vehicle, or use or driving of a motor vehicle with such markings
is punishable by a fine of up to 300 fine units or by detention.

(2) The same act, if committed by a legal person,
is punishable by a fine of up to 3200 euros.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 427. Violation of international air traffic rules

(1 Unauthorised entry into or exit from the air space of the Republic of Estonia, failure to adhere to the route, compulsory reporting point or flight altitude indicated in a permit, or other violation of international air traffic requirements, if it causes a danger to human life or health,
is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed by a legal person,
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 428. Carriage of substances harmful to flight safety on board of aircraft

[RT I, 12.07.2014, 1 - entry into force 01.01.2015]
Illegal carriage of highly flammable or caustic substances on board of an aircraft
is punishable by a pecuniary punishment.
[RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 429. Failure upon collision of ships to take measures to save other ship

The master of a ship who in the case of the collision of ships fails to take measures necessary to save the other ship, if it is possible to take such measures without causing a serious danger to own passengers, crew or ship,
is punishable by a pecuniary punishment or up to three years' imprisonment.

§ 430. Unauthorised stopping of train without reason

[Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Chapter 24
OFFENCES RELATING TO SERVICE IN DEFENCE FORCES

[RT I 2005, 68, 529 - entry into force 01.01.2006]

§ 431. Punishment for offences provided for in this Chapter

(1) Persons serving in the Defence Forces can be punished for commission of offences relating to service in the Defence Forces.
[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

(2) [Repealed - RT I, 10.07.2012, 2 - entry into force 01.04.2013]

§ 432. Refusal to obey orders

(1) Refusal to obey a lawful service-related order of a commander by a person with respect to whom a disciplinary punishment for such misconduct is in force
is punishable by up to two years' imprisonment.
[RT I 2002, 56, 350 - entry into force 01.09.2002]

(2) The same act, if committed publicly by a group,
is punishable by up to three years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed during a state of emergency or a state of war,
is punishable by two to ten years' imprisonment.

§ 433. Failure to obey orders

(1) Failure to obey a lawful service-related order of a commander by a person with respect to whom a disciplinary punishment for such misconduct is in force
is punishable by up to one year imprisonment.
[RT I 2002, 56, 350 - entry into force 01.09.2002]

(2) An act provided for in subsection (1) of this section, if committed during a state of emergency or a state of war,
is punishable by two to ten years' imprisonment.

§ 434. Threatening of person serving in Defence Forces

Threatening to kill, causing of health damage to or destruction or damage of property of a person who is in active service or his or her family member with the intention of terminating performance of the duties relating to service in the Defence Forces or altering the nature of such duties
is punishable by up to three years' imprisonment.
[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

§ 435. Violence against person serving in Defence Forces

[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

(1) Causing serious health damage to or use of violence against a person who is serving in the Defence Forces or his or her family member with the intention of terminating performance of duties relating to service in the Defence Forces or altering the nature of such duties,
is punishable by four to twelve years' imprisonment.
[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

(2) The same act, if committed during a state of emergency or a state of war,
is punishable by five to fifteen years' imprisonment.

§ 436. Unauthorised departure from military unit or other place of service

(1) Unauthorised departure from a military unit or any other place of service or failure to return to service within the specified term after an authorised departure, if unauthorised absence lasts for more than three days,
is punishable by up to one year imprisonment.

(2) The same act, if unauthorised absence lasts for more than thirty days,
is punishable by up to two years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed during a state of emergency or a state of war, regardless of the duration of unauthorised absence,
is punishable by one to five years' imprisonment.

§ 437. Unauthorised departure from military unit or other place of service while carrying service weapon

Unauthorised departure from a military unit or any other place of service while carrying a service weapon
is punishable by one to five years' imprisonment.

§ 438. Unauthorised abandoning of military unit or other place of service in battle situation

Unauthorised abandoning of a military unit or any other place of service in a battle situation
is punishable by two to ten years' imprisonment.

§ 439. Desertion

(1) Unauthorised departure from a military unit or any other place of service with the intention of evading service in the Defence Forces
is punishable by one to five years' imprisonment.
[RT I 2005, 68, 529 - entry into force 01.01.2006]

(2) The same act, if committed during a state of emergency or a state of war,
is punishable by two to ten years' imprisonment.

§ 440. Evasion of service in Defence Forces

(1) Evasion of service in the Defence Forces by causing an injury to himself or herself or by having an injury caused to him by another person, or by simulating an illness, falsifying documents or using any other fraud
is punishable by one to five years' imprisonment.

(2) The same act, if committed with the intention of evading performance of duties relating to service in the Defence Forces,
is punishable by up to three years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if committed during a state of emergency or a state of war,
is punishable by two to ten years' imprisonment.
[RT I 2005, 68, 529 - entry into force 01.01.2006]

§ 441. Violation of requirements for driving or operating machinery

Violation of the requirements for operating battle equipment or special or transportation machinery, if through negligence such violation causes:
1) causes the death of a person;
2) serious damage to the health of a person; or
3) causes major damage,
is punishable by one to five years' imprisonment.

§ 442. Violation of requirements for flights or preparation for flights

Violation of the requirements for flights or preparation for flights, if through negligence such violation causes:
1) causes the death of a person;
2) serious damage to the health of a person; or
3) causes major damage,
is punishable by two to ten years' imprisonment.

§ 443. Violation of requirements for navigation of vessels

Violation of the requirements for navigating a vessel, if through negligence such violation causes:
1) causes the death of a person;
2) serious damage to the health of a person;
3) a shipwreck; or
4) causes major damage,

is punishable by two to ten years' imprisonment.

§ 444. Violation of internal or disciplinary regulations

[Repealed - RT I, 10.07.2012, 2 - entry into force 01.04.2013]

§ 445. False service report

(1) Submission of a false oral or written service report
is punishable by up to one year imprisonment.

(2) The same act, if it:
1) causes the death of a person;
2) causes damage to the health of a person; or
3) causes major damage,
is punishable by six to fifteen years' imprisonment.

(3) [Repealed - RT I, 10.07.2012, 2 - entry into force 01.04.2013]

§ 446. Abuse of authority

(1) A commander who makes excessive use of his or her authority or exceeds the limits of the authority or acts in excess of the authority arising from his or her position in service and thereby causes significant damage to the rights or interests of another person that are protected by law or to the interests of the state
is punishable by up to five years' imprisonment.
[RT I 2010, 17, 93 - entry into force 10.05.2010]

(2) The same act, if committed during a state of emergency or a state of war,
is punishable by one to five years' imprisonment.

§ 447. Negligence in service

(1) Failure to perform or inadequate performance of his or her official duties due to unconscientious or careless attitude towards the duties by a person in active service in the Defence Forces, thereby causing significant damage to the rights or interests of a person that are protected by law or to the interests of the state
is punishable by up to two years' imprisonment.
[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

(2) The same act, if committed during a state of emergency or a state of war,
is punishable by up to five years' imprisonment.

§ 448. Dissipation of property of Defence Forces

(1) Pledging, abandoning, losing, unconscientious storing or damaging of weapons, technology, equipment or other property of the Defence Forces, if major damage is thereby caused,
is punishable by up to five years' imprisonment.

(2) The same act, if committed during a state of emergency or a state of war,
is punishable by one to five years' imprisonment.

§ 449. Surrendering of armed units or surrendering property to enemy

[RT I, 10.07.2012, 2 - entry into force 01.04.2013]
A commander who without authorisation surrenders the armed unit entrusted to his or her responsibility to an enemy or surrenders a fortification, battle equipment or other property to an enemy, unless this is necessary in a battle situation,
is punishable by three to twelve years' imprisonment.
[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

§ 450. Abandoning of sinking warship

(1) Abandoning of a sinking warship by the commander who failed to perform his or her official duties in full, or by a crew member without the corresponding order of the commander,
is punishable by one to five years' imprisonment.

(2) The same act, if committed during a state of emergency or a state of war,
is punishable by two to ten years' imprisonment.

Chapter 25
IMPLEMENTING PROVISION

§ 451. Implementation of Penal Code

The Penal Code shall be implemented by a separate Act.

[1]Directive 2001/29/EC of the European Parliament and of the Council on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.06.2001, pp. 10-19); Directive 2005/35/EC of the European Parliament and of the Council on ship-source pollution and on the introduction of penalties for infringements (OJ L 255, 30.09.2005, pp. 11-21); Directive 2008/99/EC of the European Parliament and of the Council on the protection of the environment through criminal law (OJ L 328, 06.12.2008, pp. 28-37); Directive 2009/123/EC of the European Parliament and of the Council amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements (OJ L 280, 27.10.2009, pp. 52-55); Directive 2011/93/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA (OJ L 335, 17.12.2011, pp. 1-14), corrigendum (OJ L 18, 21.01.2012, p. 7). [RT I, 13.12.2013, 5 - entry into force 23.12.2013]