Penal Code

Passed 6 June 2001

(RT[1] I 2001, 61, 364; consolidated text RT I 2002, 86, 504),

entered into force 1 September 2002.

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 the 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 or compulsory dissolution.

(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 or detention.

(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 a punishment is not imposed for the criminal offence, the same act 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 is imprisonment for a term of more than five years, life imprisonment or compulsory dissolution.

(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) The 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 the punishability of an act, mitigates a punishment or otherwise alleviates the situation of a person shall have retroactive effect.

(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

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) a request to punish the person has been submitted on the basis of an international agreement;

2) the act is committed against a citizen of Estonia or a legal person registered in Estonia;

3) 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.

§ 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 an act committed outside the territory of Estonia if the punishability of the act arises from an international agreement binding on Estonia.

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

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.

§ 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.

(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.

§ 13. Responsibility for omission

(1) A person shall be held responsible for an omission if the person was legally required to prevent a consequence described by law.

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

§ 14. Liability of legal persons

(1) In the cases provided by law, a legal person shall be held responsible for an act which is committed by a body or senior official thereof in the interest of the legal person.

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

(3) The provisions of this Act do not apply to the state, local governments or to legal persons in public law.

§ 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 held liable 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 by § 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.

§ 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.

§ 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 convention or international customary law.

§ 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 the commission of an act if the person is capable of guilt and there are no circumstances which would preclude guilt pursuant to the provisions of this Division.

(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 14 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) a mental illness;

2) a temporary severe mental disorder;

3) mental disability;

4) feeble-mindedness, or

5) any 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.

§ 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.

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 30 to 500 daily rates.

(2) The court shall calculate the daily rate of a pecuniary punishment on the basis of the average daily income of the convicted 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 convicted offender. The daily rate applied shall not be less than the minimum daily rate. The minimum daily rate shall be fifty kroons.

(3) Average daily income shall be calculated on the basis of the income subject to income tax received by the convicted offender during the year immediately preceding the year in which criminal proceedings were commenced against the convicted offender or, if the data pertaining to such year are not available, during the year preceding such year, less the income tax.

(4) Daily rates shall be calculated in full kroons.

(5) If at the time of commission of an act, the person is less than 18 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 18 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 fifty thousand to two hundred and fifty million kroons on the legal person. A pecuniary punishment may be imposed on a legal person also as a supplementary punishment together with compulsory dissolution.

(18.09.2002 entered into force 24.10.2002 - RT I 2002, 82, 480)

§ 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 18 years of age.

§ 46. Compulsory dissolution of legal person

A court may impose the compulsory dissolution on a legal person who has committed a criminal offence if commission of criminal offences has become part of the activities of the legal person.

Division 2

Principal Punishments Imposed for Misdemeanours

§ 47. Fine

(1) For a misdemeanour, a court or an extra-judicial body 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 sixty kroons.

(2) A court or an extra-judicial body may impose a fine of five hundred kroons up to fifty thousand kroons on a legal person who commits a misdemeanour.

§ 48. Detention

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

Division 3

Supplementary Punishments for Criminal Offences Imposed on Natural Persons

§ 49. Occupational ban

A court may deprive a convicted offender of the right to work in a certain position or operate in a certain area of activity for up to three years if the person is convicted of a criminal offence relating to abuse of professional or official status or violation of official duties.

§ 50. Deprivation of driving privileges

(1) A court may deprive a convicted offender of driving privileges for up to three years if the person is convicted of a criminal offence relating to violation of the safe traffic or of rules of operation of a motor vehicle, aircraft, water craft, tram or rolling stock.

(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 disability, unless he or she drives the motor vehicle in a state of intoxication.

§ 51. Deprivation of right to hold weapons or ammunition

A court may deprive a convicted offender for up to five years of the right to acquire, store, supply or carry weapons or ammunition if the person is convicted of a criminal offence relating to holding or use of weapons or ammunition.

§ 52. Deprivation of hunting or fishing rights

A court may deprive a convicted offender for up to three years of hunting or fishing rights if the person is convicted of a criminal offence relating to violation of hunting or fishing rights.

§ 53. Fine to the extent of assets

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 convicted offender is to pay an amount up to the extent of the total value of all the assets of the convicted offender.

§ 54. Expulsion

(1) If a court convicts a citizen of a foreign state of a criminal offence in the first degree and imposes imprisonment, the court may impose expulsion with prohibition on entry within ten years as supplementary punishment on the convicted offender. If the spouse or a minor child of the convicted person lives with him or her in the same family in Estonia on a legal basis, the court in its judgment shall provide reasons for imposition of expulsion.

(2) Expulsion shall not be imposed on a convicted citizen of a foreign state who at the time of commission of the criminal offence was less than 18 years of age.

§ 55. Term of supplementary punishment

(1) If a supplementary punishment provided for in §§ 49–52 of this Code is imposed together with imprisonment, the supplementary punishment shall extend to the whole term of the principal punishment and additionally to the term determined by the court judgment.

(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 convicted offender.

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 an extra-judicial body shall take into consideration the mitigating and aggravating circumstances, the type of intent or negligence in the commission of the act, the possibility to influence the offender not to commit offences in the future, and the interests of the protection of public order.

(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 in its judgment shall provide 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;

8) commission of the offence in excess of the limits of self-defence.

(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 18 years of age, pregnant, in an advanced age, in need of assistance or has a severe mental disorder;

4) commission of the offence against a person who is in a service, financial or family-related dependent relationship with the offender;

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.

§ 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, an imprisonment for a term of not less than three years shall be imposed in mitigation of the punishment.

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

(1) Taking into consideration special circumstances, a court or an extra-judicial body 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 have 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 have the necessary elements of several misdemeanours, a punishment shall be imposed separately for each misdemeanour.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 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 nor 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, it shall be imposed as the aggregate punishment.

(5) Supplementary punishments of different types shall be executed independently.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 65. Subsequent imposition of aggregate punishment

(1) If, after the pronouncement of a conviction, it is ascertained that the convicted offender has committed another criminal offence prior to the pronouncement of the conviction, 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.

(2) If a convicted 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.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 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 convicted 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 an imprisonment or detention to be borne consecutively shall be at least two days.

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

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

§ 67. Calculation of terms of imprisonment and detention

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

(2) The term of a supplementary imprisonment or detention shall be calculated in years and months.

§ 68. Consideration of provisional custody and detention

(1) Provisional custody 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.

(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.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

Division 2

Substitution of Punishment by Community Service

§ 69. Community service

(1) The court may substitute the imprisonment of a convicted offender who is sentenced to up to two years of imprisonment by community service. One day of imprisonment corresponds to four hours of community service. Imprisonment shall be substituted by community service only with the consent of the convicted offender.

(2) The duration of community service shall not exceed 8 hours a day. If a convicted offender performs community service during free time from his or her other work or studies, the duration of community service shall not exceed four hours a day. A convicted offender shall not be remunerated for community service.

(3) If a court imposes community service, the court shall determine the term for the performance of the service which shall not exceed twenty-four months. On the basis of a report of the probation officer, the court may suspend the running of the term due to an illness or family situation of the convicted offender, or for a period for which the convicted offender is called up for active service or training exercises in the Defence Forces.

(4) In the performance of community service, a convicted offender shall observe supervisory requirements and perform, pursuant to the provisions of § 75 of this Code, the obligations imposed on him or her.

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

(6) If a convicted offender evades community service, fails to comply with supervisory requirements or to perform the obligations imposed on him or her, the court may, on the basis of

a report prepared by the probation officer, enforce the imprisonment imposed on the convicted offender. In the case of execution of the imprisonment, the sentence shall be deemed to be served to the extent of the community service, whereas four hours of community service correspond to one day of imprisonment.

(7) If a convicted 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 convicted 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.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

Division 3

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

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

(1) If a convicted offender fails to pay the amount of the pecuniary punishment imposed on him or her, the court shall substitute the punishment by imprisonment or, with the consent of the convicted offender, by community service pursuant to the procedure provided for in § 69 of this Code.

(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 a convicted 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.

(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

(1) If an offender fails to pay a fine imposed on him or her, the court shall substitute the fine by detention.

(2) Ten fine units correspond to one day of detention.

(3) In the case of substitution of a fine by detention, the minimum term of the 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 convicted offender is unreasonable, the court may order suspension of the sentence on probation. In such case, the court shall order that the punishment imposed shall not be enforced in full or in part if the convicted 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.

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

(4) If a convicted offender commits a new intentional criminal offence during the period of probation, the punishment shall be executed. The aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(5) If, during a period of probation, a convicted offender commits a new criminal offence through negligence and is sentenced to imprisonment, the court may order probation for a second time. The aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(6) Probation shall not be applied to a person who has committed an intentional criminal offence and has been previously sentenced to imprisonment.

§ 74. Probation and subjection of convicted 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 convicted offender is unreasonable, the court may order suspension of the sentence on probation. In such case, the court shall order that the imprisonment imposed shall not be enforced in full or in part if the convicted offender does not commit a new intentional criminal offence within the period of probation determined by the court and complies with the supervisory requirements and obligations imposed on him or her for the term of supervision of conduct provided for in § 75 of this Code.

(2) If the court decides that an 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.

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

(4) If, during a period of probation, a convicted offender fails to comply with the supervisory requirements or to perform the obligations imposed on him or her, the court may, on the basis of a report prepared by the probation officer, 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 a convicted offender commits a new intentional criminal offence during the period of probation and is sentenced to imprisonment, the punishment shall be enforced. The aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(6) If, during a period of probation, the convicted offender commits a new criminal offence through negligence and is sentenced to imprisonment, the court may order probation with subjection of the convicted offender to supervision of conduct for a second time. The aggregate punishment shall be imposed pursuant to the provisions of subsection 65 (2) of this Code.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 75. Supervision of conduct

(1) During supervision of conduct, a convicted offender is required to comply with the following supervisory requirements:

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;

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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 the probation officer before leaving the place of residence for longer than fifteen days;

5) to obtain the permission of the probation officer before changing residence, employment or place of study.

(2) Taking into consideration the circumstances relating to the commission of the criminal offence and the personality of the convicted offender, the court may impose the following obligations on the convicted offender for the period of supervision of conduct:

1) to remedy the damage caused by the criminal offence within a term determined by the court;

2) not to consume alcohol or narcotics;

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 assistance programmes.

(3) A court may, on the basis of a report prepared by the probation officer, mitigate or annul the obligations imposed on the convicted offender for the period of supervision of conduct or to impose additional obligations on him or her pursuant to the provisions of subsection (2) of this section.

(4) If a convicted offender promises to improve conduct and assumes obligations not listed in subsection (2) of this section, the court may approve them as obligations.

§ 76. Release on parole

(1) If a person has been convicted of commission of a criminal offence in the second degree, or a criminal offence in the first degree through negligence, the court may release the convicted offender on parole if he or she has actually served at least half but not less than six months of the term of the imposed punishment.

(2) If a person has been convicted of intentional commission of a criminal offence in the first degree, the court may release the person on parole if the convicted person has actually served at least two-thirds of the term of the imposed punishment.

(3) 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 convicted 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 convicted offender.

(4) 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 one year. During the period of probation, the person shall be subject to supervision of conduct provided for in § 75 of this Code.

(5) If a person, during a period of probation, fails to comply with supervisory requirements or perform the obligations imposed on him or her, the court shall enforce the unserved part of the sentence on the basis of a report by the probation officer.

(6) If a person 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.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 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 convicted offender has actually served at least thirty years of the term of the punishment.

(2) In releasing a person specified in subsection (1) of this section on parole, the provisions of subsection 76 (3) of this Code shall be taken into consideration.

(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;

2) entry into force of the court decision in the cases provided for in §§ 76 and 77 of this Code.

§ 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 convicted offender and the nature of the illness.

(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 a convicted 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.

Chapter 6

Limitation Periods

§ 81. Limitation period of offence

(1) No one shall be convicted of or punished for the commission of a criminal offence if the following terms have expired between the commission of the criminal offence and the entry into force of the corresponding court judgment:

1) ten years in the case of commission of a criminal offence in the first degree;

2) five years in the case of commission of a criminal offence in the second degree.

(2) Offences against humanity, war crimes and offences for which life imprisonment is prescribed do not expire.

(3) A misdemeanour expires after two years have passed between the commission thereof and the entry into force of the corresponding judgment or decision.

(4) In the case of an intermittent offence, the limitation period shall be calculated as of the commission 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 if a procedural act is performed with regard to the person in a criminal matter concerning the person or if the person commits a new criminal offence before the expiry of the terms provided for in subsection (1) of this section. In such case, calculation of the limitation period of the criminal offence commences as of the performance of the procedural act in the criminal matter regarding the person or as of the commission of the new criminal offence. A person shall not be convicted of or punished for the commission of a criminal offence if the period between the commission 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 and the limitation period of the criminal offence has not interrupted due to commission of a new criminal offence.

(6) The limitation period of a criminal offence is suspended for the period during which the person who committed the criminal offence absconds from investigation or court. The limitation period of a criminal offence is resumed as of the moment when the person is detained or appears for confession. The limitation period of a criminal offence is not resumed if fifteen years have passed from the commission of the criminal offence and the limitation period of the criminal offence has not been interrupted as a result of the commission of a new criminal offence.

(7) The limitation period of a misdemeanour is suspended for the period during which the person who committed the misdemeanour absconds from an extra-judicial body or court or if criminal proceedings are commenced with regard to the misdemeanour. The limitation period of a misdemeanour is resumed as of the moment when the person is detained or appears before the extra-judicial body or court or when criminal proceedings are terminated with regard to the misdemeanour. The limitation period of a misdemeanour shall not be resumed if more than three years have passed from the commission of the misdemeanour.

§ 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.

(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.

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

Chapter 7

Other Sanctions

§ 83. Confiscation

(1) A court may apply confiscation of the object used to commit an intentional offence and of the assets acquired through the offence if these belong to the offender at the time of the making of the judgment.

(2) In the cases provided by law, a court may apply confiscation of the substance or object which was the direct object of the commission of an intentional offence, and of the 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 apply confiscation of objects specified in subsections (1) and (2) of this section if the person to whom the objects belong at the time of the making of the judgment:

1) has, at least through recklessness, aided in the use of the object for the commission or preparation of the offence;

2) has acquired the device, object or assets knowingly in order to avoid confiscation.

(4) In the absence of the permission necessary for the possession of a substance, object or organism, such substance, object or organism 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)-(5) 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 extra-judicial body prescribed by law.

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§ 84. Substitution of confiscation

If assets acquired by an offence have been transferred, consumed or the confiscation thereof is impossible for another reason, the court may order the offender to pay an amount which corresponds to the value of the assets subject to confiscation.

§ 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) of this Code.

(3) Before entry into force, the decision of an extra-judicial body or court concerning confiscation has the effect of a prohibition against disposal.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 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.

(2) The treatment specified in subsection (1) of this section shall be provided by a psychiatric institution which has been issued a corresponding licence.

(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.

(4) If a punishment is imposed on a person after coercive psychiatric treatment, the period of treatment shall be included in the term of the punishment. One day of treatment corresponds to one day of imprisonment.

§ 87. Sanctions applicable to minors

(1) Taking into account the level of the moral and mental development of a person of 14 to 18 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;

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4) placement in a school for pupils who need special treatment due to behavioural problems.

(2) A court may subject a person of less than 18 years of age to supervision of conduct for up to one year. On the basis of a report prepared by the probation officer, a court may extend the term of supervision of conduct by up to one year or, as an exception, until the convicted offender attains 18 years of age.

(3) A person of less than 18 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 or, as an exception, for a longer period until 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 or, as an exception, until the end of the academic year.

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(4) A court may alter the type of sanctions provided for in clauses (1) 2)-4) of this section.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

Special Part

Chapter 8

Offences Against Humanity and International Security

Division 1

General Provisions

§ 88. Punishment for offences provided for in this Chapter

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

(2) Commission of an 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 principal offender.

Division 2

Offences Against Humanity

§ 89. Crimes against humanity

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 8 to 20 years' imprisonment or life imprisonment.

§ 90. Genocide

A person who, with the intention to destroy, in whole or in part, a national, ethnical, racial or religious group, a group resisting occupation or any other social group, kills or tortures members of the group, causes health damage to members of the group, imposes coercive measures preventing childbirth within the group or forcibly transfers children of the group, or subjects members of such group to living conditions which have caused danger for the total or partial physical destruction of the group, shall be punished by 10 to 20 years' imprisonment or life imprisonment.

Division 3

Offences Against Peace

§ 91. Aggression

A person leading or participating in preparations for a war of aggression directed by one state against another state or war violating international agreements or security guarantees provided by the state, or a representative of the state who threatens to start a war of aggression, shall be punished by 3 to 12 years' imprisonment.

§ 92. Propaganda for war

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 3 years' imprisonment.

§ 93. Manufacture and distribution of prohibited weapons

(1) A person who designs, manufactures, stores, acquires, hands over, sells or provides or offers for use in any other manner a chemical, biological or bacteriological weapon or any other internationally prohibited weapon of mass destruction or other weapon, or essential components thereof, shall be punished by 3 to 12 years' imprisonment.

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

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.

§ 95. Acts of war against civilian population

A person who attacks civilians in war zones or destroys or renders unusable food or water supplies, sown crops or domestic animals indispensable for the survival of civilian population, or attacks structures or equipment containing dangerous forces, shall be punished by 5 to 15 years' imprisonment or life imprisonment.

§ 96. Illegal use of means of warfare against civilians

A person who uses means of warfare in a manner not allowing to discriminate between military and civilian objects and thereby causes the death of civilians, health damage to civilians, damage to civilian objects or a danger to the life, health or property of civilians shall be punished by 6 to 15 years' imprisonment or life imprisonment.

§ 97. Attacks against civilians

A person who kills, tortures, causes health damage to, rapes, compels to serve in the armed forces or participate in military operations of a hostile state, takes hostage, illegally deprives of liberty or deprives of the right to fair trial a civilian in a war zone or in an occupied territory, or displaces residents of an occupying state in an occupied territory, or displaces residents of an occupied territory, shall be punished by 6 to 20 years' imprisonment.

§ 98. Unlawful treatment of prisoners of war or interned civilians

A person required to take care of prisoners of war or interned civilians who mistreats a prisoner of war or an interned civilian or fails to perform his or her duties and thereby causes the situation of the prisoners of war or interned civilians to deteriorate, but the act does not contain the necessary elements of an offence provided for in § 99 of this Code, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

§ 99. Attacks against prisoners of war or interned civilians

Killing, torturing, inhuman treatment, causing health damage, compelling to serve in armed forces, deprivation of the right to fair trial, unjustified delay in release or repatriation, if committed against a prisoner of war or an interned civilian, is punishable by 6 to 20 years' imprisonment.

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

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 3 to 12 years' imprisonment.

§ 101. Attack against combatant hors de combat

A person who kills, causes health damage to or tortures enemy combatants after they have laid down their arms and are placed hors de combat by sickness, wounds or another reason, shall be punished by 6 to 15 years' imprisonment.

§ 102. Attacks against protected persons

A person who kills, tortures, causes health damage to or takes hostage 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, a civil-defence worker, a member of a parliament, or a person accompanying such person, shall be punished by 6 to 15 years' imprisonment.

§ 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 3 to 12 years' imprisonment.

§ 104. Environmental damage as method of warfare

A person who knowingly affects the environment as a method of warfare, if major damage is thereby caused to the environment, shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

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

Exploitative abuse of an emblem or name of the red cross, red crescent or red lion and Sun, 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 3 years' imprisonment.

§ 106. Attacks against non-military objects

An attack against an object not used for military purposes, 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 5 years' imprisonment.

§ 107. Attacks against cultural property

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 1 to 5 years' imprisonment.

§ 108. Destruction or illegal appropriation of property in war zone or occupied territory

A person belonging to the armed forces or participating in acts of war who destroys or illegally appropriates property on a large scale in a war zone or an occupied territory, whereas 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, shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

§ 109. Marauding

A person who, with the intention of illegal appropriation, removes an object adjacent to a person who has died or sustained wounds on the battlefield, shall be punished by 1 to 5 years' imprisonment.

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 2 to 10 years' imprisonment.

(2) The same act, if it causes:

1) the death of a person;

2) major damage, or

3) a danger to the life and health of a large number of people,

is punishable by 6 to 20 years' imprisonment.

§ 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 5 to 15 years' imprisonment.

(2) The same act, if it causes:

1) the death of a person;

2) major damage, or

3) a danger to the life and health of a large number of people,

is punishable by 6 to 20 years' imprisonment.

(3) 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.

§ 112. Attacks against flight safety

(1) A person who places on board an aircraft in flight explosives or a device causing ignition, or a device, facility or substance otherwise harmful to the flight safety of the aircraft, or shoots an aircraft with the intention to destroy or damage the aircraft, shall be punished by 2 to 10 years' imprisonment.

(2) The same act, if it causes:

1) the death of a person;

2) major damage, or

3) a danger to the life and health of a large number of people,

is punishable by 6 to 20 years' imprisonment.

Chapter 9

Offences Against the Person

Division 1

Offences Against Life

§ 113. Manslaughter

Manslaughter is punishable by 6 to 15 years' imprisonment.

§ 114. Murder

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,

is punishable by 8 to 20 years' imprisonment or life imprisonment.

§ 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 1 to 5 years' imprisonment.

§ 116. Infanticide

A mother who kills her new-born child during delivery or immediately after delivery shall be punished by up to 5 years' imprisonment.

§ 117. Negligent homicide

Killing another person through negligence is punishable by up to 3 years' imprisonment.

Division 2

Offences Against Health

Subdivision 1

Offences hazardous to health

§ 118. Causing serious damage to health

Causing of health damage which results in:

1) a danger to life;

2) a severe physical illness;

3) a severe mental disorder;

4) miscarriage;

5) a permanent mutilating facial injury, or

6) the loss or cessation of functioning of an organ,

is punishable by 4 to 12 years' imprisonment.

§ 119. Causing serious health damage through negligence

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

Subdivision 2

Acts of violence

§ 120. Threat

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.

§ 121. Physical abuse

Causing damage to the health of another person, or beating, battery or other physical abuse which causes pain, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 122. Torture

Continuous physical abuse or abuse which causes great pain is punishable by a pecuniary punishment or up to 5 years' imprisonment.

Division 3

Offences Endangering Life and Health

§ 123. Placing in danger

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 3 years' imprisonment.

§ 124. Refusal to provide assistance

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 3 years' imprisonment.

Division 4

Illegal Termination of Pregnancy

§ 125. Malicious termination of pregnancy

Termination of a pregnancy against the will of the pregnant woman is punishable by 3 to 12 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 3 years' imprisonment.

(2) The same act is punishable by up to 5 years' imprisonment if the pregnancy has lasted for more than twenty-one weeks.

§ 127. Termination of pregnancy later than permitted by law

A person with the right to terminate pregnancy who terminates the pregnancy of a woman at the request of the pregnant woman later than permitted by law shall be punished 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 shall be punished by a pecuniary punishment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

Division 5

Illegal Treatment of Embryo or Foetus

§ 129. Damaging of embryo or foetus

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 5 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 130. Prohibited acts with embryo

Human cloning or creating a human hybrid or human chimera is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 131. Abuse of human embryo or foetus

A person who creates a human embryo or foetus *in vitro* without the intention to transfer the embryo of foetus to a woman, or outside an institution duly authorised by law or without the corresponding lawful right, or preserves a human embryo or foetus *in vitro* in an unfrozen form for longer than the term provided by law or performs unauthorised transactions with an embryo or foetus, shall be punished by a pecuniary punishment.

§ 132. Illegal surrogate motherhood

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.

Division 6

Offences Against Liberty

§ 133. Enslaving

(1) Placing a human being, through violence or deceit, in a situation where he or she is forced to work or perform other duties against his or her will for the benefit of another person, or keeping a person in such situation, is punishable by 1 to 5 years' imprisonment.

(2) The same act, if committed:

1) against two or more persons, or

2) against a person of less than 18 years of age,

is punishable by 3 to 12 years' imprisonment.

§ 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 5 years' imprisonment.

(2) The same act, if committed:

1) against two or more persons, or

2) against a person of less than 18 years of age,

is punishable by 2 to 10 years' imprisonment.

§ 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 3 to 12 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by 5 to 15 years' imprisonment.

§ 136. Unlawful deprivation of liberty

(1) Unlawful deprivation of the liberty of another person is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by 1 to 5 years' imprisonment.

§ 137. Unauthorised surveillance

(1) A person without the lawful right to engage in surveillance who observes another person in order to collect information relating to such person shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(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 3 years' imprisonment.

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

§ 139. Illegal removal of organs or tissue

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.

§ 140. Inducing person to donate organs or tissue

Inducing a person to consent to the removal of his or her organs or tissue for the purposes of transplantation or genetic research by offering material remuneration or causing damage to the person or by threatening to cause damage to the person is punishable by a pecuniary punishment or up to one year of imprisonment.

Division 7

Offences Against Sexual Self-determination

§ 141. Rape

(1) Sexual intercourse 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 1 to 5 years' imprisonment.

(2) The same act, if:

1) committed against a person of less than 18 years of age;

2) committed by two or more persons;

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) committed by a person who has previously committed rape,

is punishable by 6 to 15 years' imprisonment.

§ 142. Satisfaction of sexual desire by violence

(1) Involving a person against his or her will in satisfaction of sexual desire in a manner other than sexual intercourse 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 up to 3 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by up to 5 years' imprisonment.

§ 143. Compelling person to engage in sexual intercourse

(1) Sexual intercourse with a person against his or her will by taking advantage of the dependency of the victim from 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 3 years' imprisonment.

(2) The same act, if committed against a person of less than 18 years of age, is punishable by up to 5 years' imprisonment.

§ 144. Sexual intercourse with descendant

A parent, a person with the rights of a parent, or a grandparent, who engages in sexual intercourse with his or her child or grandchild shall be punished by up to 3 years' imprisonment.

§ 145. Sexual intercourse with child

An adult person who engages in sexual intercourse with a person of less than 14 years of age shall be punished by up to 3 years' imprisonment.

§ 146. Satisfaction of sexual desire with child

An adult person who involves a person of less than 14 years of age in satisfaction of sexual desire in a manner other than sexual intercourse shall be punished by up to 2 years' imprisonment.

§ 147. Inability of person of less than 10 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 10 years of age.

Division 8

Offences Against Deceased Persons

§ 148. Abuse of corpse

A person who dissects or steals a corpse, leaves a corpse unburied or treats a corpse in a manner not in compliance with the generally recognised customary practices shall be punished by a

pecuniary punishment or up to one year of imprisonment.

§ 149. Debasement of memory of deceased

A person who interferes with a funeral or any other ceremony for the commemoration of a deceased person, desecrates a grave or other place designated as a last resting place, or a memorial erected for the commemoration of a deceased person, or steals objects from such places, shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 150. Illegal removal of organs or tissue from corpse

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.

Chapter 10

Offences Against Political and Civil Rights

Division 1

Offences Against Equality

§ 151. Incitement to social hatred

Activities which publicly incite to hatred or violence on the basis of nationality, race, colour, sex, language, origin, religion, political opinion, financial or social status are punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 152. Violation of equality

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, political opinion, financial or social status is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 153. Discrimination based on genetic risks

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 pecuniary punishment or up to one year of imprisonment.

Division 2

Violation of Fundamental Freedoms

§ 154. Violation of freedom of religion

A person who interferes with the religious affiliation or religious practices of a person, unless the religious affiliation or practices are detrimental to the morals, rights or health of other people or violate public order, shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 155. Compelling person to join or retain membership of religious association

Compelling a person to join or be a member of a religious association is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 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.

§ 157. Violation of obligation to maintain confidentiality of secrets which have become known in course of professional activities

Disclosure of information obtained in the course of professional activities and relating to the health, private life or commercial activities of another person by a person who is required by law to maintain the confidentiality of such information is punishable by a pecuniary punishment.

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

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

§ 159. Violation of freedom of association

Interference with the foundation of, joining or membership in a non-profit association, if the foundation or activities of the association do not violate the conditions or restrictions provided by law in the interests of the protection of the security of the state and the society, public order, morals or the rights of other people, and if joining or membership in the association does not violate the conditions or restrictions provided by law for persons in public service, is punishable by a fine of up to 300 fine units or by detention.

Division 3

Offences Against Freedom of Election

§ 160. Definition of elections

For the purposes of this Division, "elections" means elections of the Riigikogu[2] or the local government councils.

§ 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 using violence, is punishable by 1 to 5 years' imprisonment.

§ 162. Violation of freedom of election or voting

Preventing a person to freely exercise his or her right to elect or be elected at an election or to vote at a referendum, if such prevention involves violence, deceit or threat or takes advantage of a service, economic or other dependent relationship of the person with the offender is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 163. Falsification at elections

Destruction, damaging, elimination or falsification of election or voting documents, or incorrect

counting of votes, is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 164. Bribery of electorate

Providing or offering material benefits to a person with the intention to persuade the person not to exercise his or her election or voting right or to exercise such right in a certain way is punishable by a fine of up to 300 fine units or by detention.

§ 165. Election fraud

A person who participates in an election or referendum without the right to vote or in the name of another person, or votes more than once, shall be punished by a fine of up to 300 fine units or by detention.

§ 166. Violation of confidentiality of voting

Violation of the procedure for voting by secret ballot at an election or referendum is punishable by a fine of up to 100 fine units or by detention.

§ 167. Interference with election campaigning

Interference with lawful campaigning before an election or referendum is punishable by a fine of up to 300 fine units or by detention.

§ 168. Unlawful campaigning

(1) Active campaigning during the day of an election or referendum 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 20 000 kroons.

Chapter 11

Offences Against Family and Minors

Division 1

Offences Against Family

§ 169. Violation of obligation to provide maintenance to child

A parent who intentionally evades payment of monthly support ordered by a court to his or her child of less then 18 years of age or to his or her child who has attained the age of majority but is incapacitated for work and needs assistance shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 170. Violation of obligation to provide maintenance to parent

An adult child who intentionally evades payment of monthly support ordered by a court to his or her parent who is incapacitated for work and needs assistance shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 171. Abuse of rights of guardianship or curatorship

A person who abuses his or her rights of guardianship or curatorship in order to increase own assets out of the assets of the person under his or her guardianship or curatorship, or acts in any other manner against the proprietary or personal rights or interests of the person under

guardianship or curatorship, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

§ 172. Child stealing

Concealed or unconcealed kidnapping of another person's child of less than 14 years of age from a person under whose care the child legally is, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 173. Sale or purchase of children

(1) The sale or purchase of children is punishable by 1 to 5 years' imprisonment.

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

§ 174. Alteration of decent

(1) A person who substitutes a child of another or his or her own child for a child of another person with the intention to alter the descent of the child shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if:

1) committed in order to receive an estate or aimed at other personal gain, or

2) it causes alteration of the citizenship of the child,

is punishable by 1 to 5 years' imprisonment.

Division 2

Offences Against Minors

§ 175. Disposing minors to engage in prostitution

A person who by inducement, threat or any other act influences a person of less than 18 years of age in order to cause him or her to commence or continue prostitution, but the act does not have the necessary elements of an offence provided for in § 133 or 143 of this Code, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

§ 176. Aiding prostitution involving minors

(1) Aiding prostitution involving a person of less than 18 years of age by mediation, provision of premises or in any other manner is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

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

(3) For an offence provided for in this section, a court may impose a fine to the extent of assets as a supplementary punishment pursuant to § 53 of this Code.

§ 177. Use of minors in manufacture of pornographic works

(1) Use of a person of less than 18 years of age as a model or actor in the manufacture of a pornographic or erotic picture, film or other work 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.

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

(1) A person who manufactures, stores, hands over, displays or makes available in any other manner pictures, writings or other works or reproductions of works depicting a person of less than 14 years of age in erotic or pornographic situations shall be punished 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.

§ 179. Sexual enticement of children

(1) A person who hands over, displays or makes otherwise knowingly available pornographic works or reproductions thereof to a person of less than 14 years of age, engages in sexual intercourse in the presence of such person or knowingly sexually entices such person in any other manner shall be punished 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.

§ 180. Exhibiting violence to minors

(1) A person who hands over, displays or makes otherwise knowingly available works or reproductions of works promoting violence or cruelty to a person of less than 18 years of age, kills or tortures an animal in the presence of such person without due cause or knowingly exhibits violence to him or her in any other manner shall be punished 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.

§ 181. Involving minor in commission of criminal offence

An adult person who involves a person of less than 18 years of age in the commission of a criminal offence shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

§ 182. Inducing minor to consume alcohol

An adult person who induces a person of less than 18 years of age to consume alcohol shall be punished by a pecuniary punishment.

Chapter 12

Offences Against Public Health

Division 1

Offences Relating to Narcotics

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

Illegal trafficking or mediation of small quantities of narcotic drugs or psychotropic substances, or illegal manufacture, acquisition or possession of small quantities of narcotic drugs or psychotropic substances with the intention of trafficking is punishable by a pecuniary punishment or up to one year of imprisonment.

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

(1) Illegal manufacture, acquisition, possession, trafficking, mediation, transportation, import, export, transit or other illegal handling of large quantities of narcotic drugs or psychotropic substances is punishable by 1 to 5 years' imprisonment.

(2) The same act, if committed:

1) by a group or a criminal organisation, or

2) at least twice,

is punishable by 2 to 10 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) An act provided for in clause (2) 2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(5) For an offence provided for in this section, a court may impose a fine to the extent of assets as a supplementary punishment pursuant to § 53 of this Code.

§ 185. Providing of narcotic drugs or psychotropic substances to persons of less than 18 years of age

(1) An adult person who illegally provides small quantities of narcotic drugs or psychotropic substances to a person of less than 18 years of age shall be punished by up to 3 years' imprisonment.

(2) The same act, if the object of provision is large quantities of narcotic drugs or psychotropic substances, is punishable by 2 to 10 years' imprisonment.

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

Inducing a person to illegally consume narcotic drugs or psychotropic substances is punishable by a pecuniary punishment or up to one year of imprisonment.

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

An adult person who induces a person of less than 18 years of age to illegally consume narcotic drugs or psychotropic substances or other narcotic substances, or administers such substances illegally to a person of less than 18 years of age, shall be punished by 1 to 5 years' imprisonment.

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

Illegal cultivation of opium poppy, cannabis or coca shrubs is punishable by a pecuniary punishment or up to 5 years' imprisonment.

§ 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 5 years'

imprisonment.

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

§ 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 3 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 the 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 an especially dangerous infectious animal disease, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if the spread of an infectious disease or an especially 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. Illegal distribution of medicinal products

(1) Illegal manufacture of medicinal products, or provision or mediation of illegally manufactured medicinal products, or possession of illegally manufactured medicinal products with the intention of provision, if the act does not have the necessary elements of an offence provided for in §§ 183–185 of this Code, 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.

§ 195. Inducing person to use doping

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.

Division 4

Offences Relating to Occupational Health, Occupational Safety or Technical Supervision

§ 196. Violation of requirements for occupational health or safety or requirements for objects under technical supervision, if such violation, through negligence, results in serious damage to health

(1) Violation of the requirements for occupational health or safety or requirements for objects under technical supervision in an enterprise performing construction work or handling chemicals, a dangerous enterprise, an enterprise liable to be affected by a major accident or at an object under technical supervision, if such violation, through negligence, results in serious damage to 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.

§ 197. Violation of requirements for occupational health or safety or requirements for objects under technical supervision, if such violation, through negligence, results in death of person

(1) Violation of the requirements for occupational health or safety or requirements for objects under technical supervision in an enterprise performing construction work or handling chemicals, a dangerous enterprise, an enterprise liable to be affected by a major accident or at an object under technical supervision, if such violation, through negligence, results in the death of a person, is punishable by up to 3 years' imprisonment.

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

§ 198. Violation, through negligence, of requirements for occupational health or safety or requirements for objects under technical supervision, if such violation results in serious damage to health or death of person

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(1) Violation, through negligence, of the requirements for occupational health or safety or requirements for objects under technical supervision in an enterprise performing construction work or handling chemicals, a dangerous enterprise, an enterprise liable to be affected by a major accident or at an object under technical supervision, if such violation results in serious damage to the health of a person, is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if it causes the death of a person, is punishable by a pecuniary punishment or up to 3 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.

Chapter 13

Offences Against Property

Division 1

Offences against Ownership

Subdivision 1

Illegal appropriation of thing

§ 199. Larceny

(1) A person who takes away movable property of another with the intention of illegal appropriation shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) 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) the act is committed by a person who has previously committed larceny, robbery or embezzlement,

5) the act is committed publicly, but without the use of violence,

6) the act is committed on a large-scale basis,

7) the act is committed by a group or a criminal organisation, or

8) the act is committed by intrusion,

is punishable by up to 5 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 200. Robbery

(1) A person who by using violence takes away movable property of another with the intention of illegal appropriation shall be punished by 2 to 10 years' imprisonment.

(2) 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) the act is 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) the act is committed by causing serious damage to health,

6) the act is committed on a large-scale basis,

7) the act is committed by a group or a criminal organisation,

8) the act is 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;

(18.09.2002 entered into force 24.10.2002 - RT I 2002, 82, 480)

9) the act is committed by intrusion, or

10) the act is committed by hiding of the face with a cover or mask or in any other manner which prevents identification,

is punishable by 3 to 15 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 201. Embezzlement

(1) A person who illegally converts into his or her use or the use of a third person movable property which he or she has found or which has accidentally come into his or her possession and which is in the possession of another person shall be punished by a pecuniary punishment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(2) The same act, if committed:

1) by a person who has previously committed larceny or embezzlement;

2) on a large-scale basis;

3) by an official, or

4) by a group or a criminal organisation;

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

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

(1) Acquisition, storage or marketing of property received through commission of a criminal offence is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:

1) by a group or a criminal organisation;

2) at least twice, or

3) on a large-scale basis,

is punishable by a pecuniary punishment or up to 3 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.

Subdivision 2

Damage to property

§ 203. Injuring or destruction of thing

Injuring or destroying a thing of another, if significant damage is thereby caused, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

§ 204. Injuring or destruction of public thing

(1) Injuring or destroying a cultural monument, museum object or museum collection in a manner which causes significant damage is punishable by 1 to 5 years' imprisonment.

(18.09.2002 entered into force 24.10.2002 - RT I 2002, 82, 480)

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

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 205. Injuring or destruction of thing through negligence

Injuring or destroying a thing of another, 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.

§ 206. Computer sabotage

(1) Unlawful replacement, deletion, damaging or blocking of data or programs in a computer, if significant damage is thereby caused, or unlawful entry of data or programs in a computer, if significant damage is thereby caused, is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed with the intention to interfere with the work of a computer or telecommunications system, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 207. Damaging of connection to computer network

Damaging or obstructing a connection to a computer network or computer system is punishable by a pecuniary punishment.

§ 208. Spreading of computer viruses

(1) Spreading of a computer virus is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:

1) at least twice, or

2) in a manner which causes significant damage,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

Division 2

Offences Against All Types of Property

Subdivision 1

Fraud

§ 209. Fraud

(1) A person who receives proprietary benefits by knowingly causing a misconception of existing facts shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) by a person who has previously committed fraud, larceny or embezzlement;

2) on a large-scale basis;

3) by a group or a criminal organisation, or

4) by addressing the public,

is punishable by 1 to 5 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.

§ 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) A person who receives a benefit by using fraud or uses a benefit for purposes other than its intended purpose shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

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

§ 211. Investment fraud

(1) A person engaging in economic activities who receives an investment through presentation of false information in a prospectus or among other information addressed to the public shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

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

§ 212. Insurance fraud

(1) A person who intentionally brings about an insured event or causes a misconception of the occurrence of an insured event with the intention to receive an insurance indemnity from the insurer shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

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

§ 213. Computer-related fraud

A person who receives proprietary benefits through entry, replacement, deletion or blocking of

computer programs or data or other interference with a data processing operation and thereby influences the result of the data processing operation shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

Subdivision 2

Extortion

§ 214. Extortion

(1) A person who coerces another person to transfer proprietary benefits by using a threat to restrict the liberty of the person, disclose embarrassing information or destroy or damage property, or by using violence, shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed:

1) by a person who has previously committed extortion, larceny, robbery or fraud;

2) on a large-scale basis;

3) by causing serious damage to health;

4) by a group or a criminal organisation;

5) by deprivation of the liberty of a person, or

6) by destroying or damaging property,

is punishable by 4 to 12 years' imprisonment.

Subdivision 3

Unlawful use

§ 215. Unauthorised use of thing

(1) Temporary unauthorised use of movable property of another without the intention of embezzlement is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) by a person who has previously committed larceny, embezzlement or unauthorised use of a thing;

2) by using violence, or

3) by a group or a criminal organisation,

is punishable by 2 to 10 years' imprisonment.

(18.09.2002 entered into force 24.10.2002 - RT I 2002, 82, 480)

§ 216. Unlawful use of network gas or energy

(1) Use of network gas or energy through an illegal connection to the gas or energy network is punishable by a pecuniary punishment or up to 2 years' imprisonment.

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

§ 217. Unlawful use of computer, computer system or computer network

(1) Unlawful use of a computer, computer system or computer network by way of removing a code, password or other protective measure is punishable by a pecuniary punishment.

(2) The same act, if it:

1) causes significant damage, or

2) is committed by using a state secret or a computer, computer system or computer network containing information prescribed for official use only,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

Division 3

Petty Offences Against Property

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

(1) An offence against property, except for robbery and extortion, committed with regard to an object of small value or an insignificant proprietary right if there are no aggravating circumstances provided for in the necessary elements of the offence, is punishable by a fine of up to 300 fine units or by detention.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(2) For the purposes of subsection (1) of this section, "object of small value" or "insignificant proprietary right" means an object or right the monetary value of which does not exceed the amount of twenty minimum daily rates, or the damaging of which in the cases provided for in §§ 203, 204 or 206 of this Code did not cause significant damage.

(18.09.2002 entered into force 24.10.2002 - RT I 2002, 82, 480)

Chapter 14

Offences Against Intellectual Property

§ 219. Violation of moral rights of author of work, invention, industrial design or layout-design of integrated circuit, or of performer of work

(1) A person who discloses a work, performance of a work, an invention, industrial design or a layout-design of an integrated circuit of another in his or her own name or otherwise violates the moral rights of an author or performer of a work shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

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

§ 220. Violation of economic rights of author of work, invention, industrial design or layout-design of integrated circuit, or of holder of related rights

(1) Violation of the economic rights of the author of a work, invention, industrial design or a layout-design of an integrated circuit, or of a holder of related rights, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

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

§ 221. Evasion of payment of remuneration prescribed by Copyright Act

(1) Resale of the original of a work of visual art, or private use of audiovisual works or sound recordings without payment of the fee prescribed by law 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.

§ 222. Manufacture of pirated copy

(1) Reproduction, with the intention of distribution, of a work or an object of copyright without the permission of the author of the work, the holder of the copyright or the holder of the related rights is punishable by a pecuniary punishment or up to 3 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.

§ 223. Public performance of pirated copy

(1) Use of a pirated copy for a public performance or public display of a work or for communication of a work to the public 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.

(3) The court shall confiscate the object which was the direct object of commission of an offence provided for in this section.

§ 224. Trade in pirated copies

(1) Trade in pirated copies, if a punishment for a misdemeanour has been imposed on the offender for the same act, is punishable by a pecuniary punishment or up to 3 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.

§ 225. Operation of technical device designed for removal of protective measures preventing violation of copyright or related rights

(1) Manufacture, acquisition, possession, use, delivery, sale or transfer of a technical device or equipment designed for removal of protective measures against illegal reproduction of works or illegal reception of signals transmitted via satellite or cable is punishable by a pecuniary punishment or up to 3 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.

§ 226. Violation of exclusive rights of owner of patent, utility model, trade mark, industrial

design or layout-design of integrated circuit

(1) Knowing violation of the exclusive rights of the owner of a patent, utility model, trade mark, industrial design or a layout-design of an integrated circuit is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed for commercial purposes, is punishable by a pecuniary punishment or up to 5 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.

§ 227. Trade in counterfeit goods

(1) Trade in goods which without the consent of the proprietor of the trade mark are designated with a sign which is identical with or confusingly similar to a trade mark subject to legal protection which is registered in respect of identical or similar goods, if a punishment for a misdemeanour has been imposed on the offender for the same act, is punishable by a pecuniary punishment or up to 3 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.

§ 228. Disclosure of invention or industrial design

Disclosure of an invention or an industrial design without the permission of the person holding the right to the patent, utility model or industrial design, before the invention or industrial design has been disclosed or published by such person pursuant to the procedure prescribed by law, is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 229. Violation of rights arising from plant variety right

Illegal appropriation of rights belonging to the breeder or owner of a protected variety, or use of a protected variety without a licence issued by the owner, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 230. Unlawful use of registered geographical indications

(1) Unlawful use of a registered geographical indication 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.

Chapter 15

Offences Against the State

Division 1

Offences Against the Republic of Estonia

§ 231. High treason against the Republic of Estonia

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 are punishable by 5 to 15 years' imprisonment.

§ 232. Treason

A citizen of the Republic of Estonia who assists 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 of the Republic of Estonia, or collects information classified as a state secret with the intention of communication thereof, or communicates such information to a foreign state, organisation of a foreign state, alien or a person acting at the request of a foreign state shall be punished by 3 to 15 years' imprisonment.

§ 233. Non-violent acts committed by alien against independence and sovereignty of the Republic of Estonia

An alien who engages in non-violent activities directed against the independence and sovereignty of the Republic of Estonia and such activities do not comprise the necessary elements of an offence provided for in § 231 or 234 of this Code, shall be punished by 2 to 10 years' imprisonment.

§ 234. Espionage

An alien who collects information classified as a state secret with the intention of communication thereof, or communicates such information to a foreign state, organisation of a foreign state, alien, or a person acting at the request of a foreign state shall be punished by 3 to 15 years' imprisonment.

§ 235. Unconstitutional organisations

(1) A person who belongs to a permanent organisation which consists of three or more persons who share a distribution of tasks and which has been formed with the intention to carry out activities directed against the independence and sovereignty of the Republic of Estonia, or who forms, leads or recruits members to such organisation, shall be punished by up to 6 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 or compulsory dissolution.

§ 236. Incitement to commit criminal offence against Republic of Estonia

Public incitement to commission of a criminal offence provided for in this Division is punishable by a pecuniary punishment or up to 3 years' imprisonment.

Division 2

Offences Against State Power

§ 237. Terrorism

(1) Acts aimed at causing health damage or death or at unlawful seizure, damaging or destruction of property, committed with the intention to provoke war or an international conflict or for political or religious causes, are punishable by 3 to 12 years' imprisonment or life imprisonment.

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

§ 238. Organising mass disorder

Organising a disorder involving a large number of persons, if such disorder results in desecration, destruction, arson or other similar acts, is punishable by 1 to 5 years' imprisonment.

§ 239. Commission of offence during mass disorder

A person participating in a mass disorder who commits desecration, destruction, arson or other similar act or offers resistance to a police officer, special constable or any other person combating such activities on a legal basis shall be punished by a pecuniary punishment or 1 to 5 years' imprisonment.

§ 240. Illegal entry into official premises

(1) Entry into the official premises of a state or local government agency with the intention to interfere with the regular activities thereof or to occupy the premises is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) by using violence, or

2) by using threat with a weapon, any other object used as a weapon, an explosive device or explosive substance,

is punishable by 1 to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if serious consequences or major damage are thereby caused, is punishable by 4 to 12 years' imprisonment .

§ 241. Disclosure of state secrets

(1) Disclosure or illegal communication of or provision of illegal access to information classified as a state secret, if such act does not comprise the necessary elements of an offence provided for in § 234 of this Code, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

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

§ 242. Disclosure of state secrets through negligence

Disclosure or illegal communication of or provision of illegal access to information classified as a state secret, if committed through negligence, or loss of a data medium containing a state secret, is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 243. Communication of internal information

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 3 years' imprisonment.

§ 244. Attack against life or health of higher state public servants

Killing, hostage taking or causing health damage, if committed against the President of the Republic, President of the Riigikogu, Prime Minister, Chief Justice of the Supreme Court, Legal Chancellor, Auditor General, Commander of the Defence Forces or Commander-in-Chief of the Defence Forces, is punishable by 6 to 20 years' imprisonment or life imprisonment.

§ 245. Defamation of official symbols of Republic of Estonia

A person who tears down, damages, profanes or otherwise defames the national flag, national coat of arms or any other official symbol of the Republic of Estonia, or defames the national anthem, shall be punished by a pecuniary punishment or up to one year of imprisonment.

Division 3

Offences Against Foreign States or International Organisations

§ 246. Attack against life or health of persons enjoying international immunity

(1) Killing, hostage taking or causing health damage, if committed against a representative of an international organisation or generally recognised international non-governmental organisation or a foreign high-ranking public official or a family member thereof, is punishable by 6 to 20 years' imprisonment or life imprisonment.

(2) Subsection (1) of this section does not apply in the case of an operation involving use of armed forces sanctioned by the Security Council of the United Nations on the basis of Chapter VII of the Charter of the United Nations where the persons participating in the operation are combatants in an armed conflict.

§ 247. Defamation of persons enjoying international immunity

(1) Defamation of a person enjoying international immunity or of a family member of such person is punishable by a pecuniary punishment or up to 2 years' imprisonment.

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

§ 248. Illegal entry into territory, building or premises enjoying diplomatic immunity

(1) Illegal entry into or occupation of a territory, building or premises enjoying diplomatic immunity in the Republic of Estonia is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) by using violence, or

2) by using threat with a weapon, any other object used as a weapon, an explosive device or explosive substance,

is punishable by 1 to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if serious consequences or major damage are thereby caused, is punishable by 4 to 12 years' imprisonment.

§ 249. Defamation of official symbols of foreign state or international organisation

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, shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 250. Incitement to commission of criminal offence against foreign state or international organisation

Public incitement to the commission of a criminal offence provided for in this Division is punishable by a pecuniary punishment or up to 3 years' imprisonment.

Division 4

Offences Against National Defence

§ 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 2 to 10 years' imprisonment.

(2) Preparation for the same act is punishable by a pecuniary punishment or up to 5 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;

3) by causing serious damage to health;

is punishable by 4 to 12 years' imprisonment.

§ 252. Illegal entry into national defence area, building or premises

(1) Entry into a national defence area, building or premises with the intention to occupy them or interfere with the regular activities thereof is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) by using violence, or

2) by using threat with a weapon, any other object used as a weapon, an explosive device or explosive substance,

is punishable by 1 to 5 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if serious health damage is thereby caused, is punishable by 4 to 12 years' imprisonment.

§ 253. Evasion of national defence duties

Failure to comply with expropriation, duty to grant use or other duty imposed on a person during a state of war is punishable by a pecuniary punishment.

§ 254. Failure to comply with mobilisation order, or evasion of service in Defence Forces

(1) A reservist who without a reasonable impediment fails to comply with a mobilisation order or a mobilisation notice communicated in peace-time shall be punished by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed during war-time, or evasion of service in the Defence Forces during war-time, is punishable by 1 to 5 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 and whose activities are directed at the commission of criminal offences in the first degree or at exercising unlawful influence on public authorities is punishable by 3 to 12 years' imprisonment.

(2) For an offence provided for in this section, a court may impose a fine to the extent of assets as a supplementary punishment pursuant to § 53 of this Code.

§ 256. Formation of criminal organisation

(1) Forming or leading of or recruiting members to a criminal organisation is punishable by 5 to 15 years' imprisonment.

(2) For an offence provided for in this section, a court may impose a fine to the extent of assets as a supplementary punishment pursuant to § 53 of this Code.

§ 257. Arbitrary action

A person who unlawfully exercises his or her actual or assumed right, if such act involves violence, destruction or injuring of property or a threat thereof, deprivation of a person's liberty, restriction of a person's liberty or a threat thereof, or if other significant damage is caused thereby, shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

§ 258. Illegal crossing of state border or temporary border line of Republic of Estonia

(1) Illegal crossing of the state border or temporary border line of the Republic of Estonia, if committed:

1) in disregard of a stop signal or order given by a Border Guard official;

2) by a group;

3) by a means of transport in a location not intended for crossing;

4) and a punishment for a misdemeanour has been imposed on the offender for the same act

is punishable by a pecuniary punishment or up to one year of imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(2) The same act, if committed:

1) by using violence, or

2) by causing serious damage to health;

is punishable by 4 to 12 years' imprisonment.

§ 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 one year of imprisonment.

(2) The same act, if committed:

1) by a group, or

2) by using violence,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if serious health damage is thereby caused, is punishable by 4 to 12 years' imprisonment.

§ 260. Stay of alien in Estonia without legal basis

An alien who stays in Estonia without a legal basis at least twice within a year shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 261. Failure by person to perform duties imposed on and communicated to him or her, or failure to give notice that performance is impossible

(1) A person who fails to perform a duty imposed on and communicated to him or her, or fails to give notice to the agency which imposed the duty that performance is impossible due to destruction of property or the fact that it has become unusable, or any other reason, shall be punished 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 30 000 kroons.

Division 2

Offences Against Public Order

§ 262. Breach of public order

Disturbing the peace of other persons in a public place, or any other breach of public order is punishable by a fine of up to 100 fine units or by detention.

§ 263. Aggravated breach of public order

Breach of peace or public order, if committed:

1) by using violence;

2) by offering resistance to a person protecting public order;

3) by using threat with a weapon, any other object used as a weapon, an explosive device or explosive substance, or

4) by a group,

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

§ 264. Cruel treatment of animals

Commission of a prohibited act against an animal, if a punishment for a misdemeanour has been imposed on the offender for the same act, or commission of a prohibited act against an animal in a public place, is punishable by a pecuniary punishment.

§ 265. Unauthorised public meeting

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.

§ 266. Illegal entry

(1) Illegal entry into a building, room, vehicle or enclosed area of another against the will of the possessor is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:

1) at least twice;

2) by using violence, or

3) by a group,

is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(3) An act provided for in subsection (1) or (2) of this section, if serious health damage is thereby caused, is punishable by 4 to 12 years' imprisonment.

§ 267. Failure to comply with demand to leave building, room, vehicle or enclosed area of another

Unlawful failure to comply with the demand of a possessor to leave a building, room, vehicle or enclosed area is punishable by a fine of up to 100 fine units or by detention.

§ 268. Provision of opportunity to engage in unlawful activities, or pimping

(1) Pimping, or providing premises for the purposes of illegal consumption of narcotic drugs or psychotropic substances, for organising illegal gambling, or for prostitution, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(2) For an offence provided for in this section, the court may impose a fine to the extent of assets as a supplementary punishment pursuant to § 53 of this Code.

§ 269. Unlawful firing of red signal rockets

Unlawful firing of a red signal rocket is punishable by a fine of up to 100 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 300 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 271. Violation of procedure for use of national flag

(1) Violation of the procedure for the use of the national flag is punishable by a fine of up to 100 fine units or by detention.

(2) The same act, if committed at least twice, is punishable by a fine of up to 200 fine units or by detention.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a fine of up to 15 000 kroons.

§ 272. Illegal hoisting of national flag of Republic of Estonia on ship

Illegal hoisting of the national flag of the Republic of Estonia on a ship is punishable by a pecuniary punishment.

§ 273. Violation of obligation to fly national flag of Republic of Estonia on ship

Violation of the obligation to fly the national flag of the Republic of Estonia on a ship is punishable by a pecuniary punishment.

Division 3

Offences Against Exercise of Public Authority

Subdivision 1

Offences against representatives of state authority

§ 274. Violence against representative of state authority or other person protecting public order

(1) Commission of an act of violence against a representative of state authority or any other person protecting public order, if committed in connection with the performance of his or her official duties by such person, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if a person specified in subsection (1) of this section is thereby coerced into commission of an unlawful act, is punishable by up to 5 years' imprisonment.

§ 275. Defamation or insult of representative of state authority or other person protecting public order

Defaming or insulting a representative of state authority or any other person protecting public order, if committed in connection with the performance of his or her official duties by such person, is punishable by a pecuniary punishment or up to 2 years' imprisonment.

§ 276. Disregard of lawful order given by representative of state authority

Disregard of a lawful order given by a representative of state authority is punishable by a fine of up to 200 fine units or by detention.

§ 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 300 fine units or by detention.

(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

Making knowingly false emergency calls to the fire fighting, rescue service, 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 300 fine units or by detention.

§ 279. Interference with exercise of state supervision

Obstruction of state supervision, refusal to submit or failure to submit on time documents or information necessary for state supervision, submission of false information, or submission of documents or information in a manner which does not permit exercise of state supervision, is punishable by a fine of up to 300 fine units or by detention.

Subdivision 2

Offences Relating to Data

§ 280. Submission of false information

(1) Submission of false information to an administrative agency, if committed in order to obtain an official document or any other benefit or gain, 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.

§ 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, a notary or a bailiff is punishable by a pecuniary punishment or up to 2 years' imprisonment.

(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 100 fine units or by detention.

§ 283. Violation of land use requirements or procedure for maintenance of land cadastre

Violation of land use requirements or the procedure for the maintenance of the land cadastre, if committed for the purpose of personal gain or in a manner which causes major damage or results in other serious consequences, is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 284. Handing over protection codes

Unlawfully handing over the protection codes of a computer, computer system or computer network, if committed for the purpose of personal gain and in a manner which causes significant

damage or results in other serious consequences is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 285. Unlawful destruction of records

(1) Unlawful destruction of public records, or private records entered in the archives register, is punishable by a pecuniary punishment.

(2) The same act, if significant damage is thereby caused to the interests of a person or agency that are protected by law or to the interests of the state or a local government, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 286. Rendering records unusable

(1) Damaging a data medium or violation of the requirements for preservation of records, if a public record or a private record entered in the archives register is thereby rendered unusable or the value thereof is reduced, 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 interests of a person or agency that are protected by law or to the interests of the state or a local government, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 287. Rendering records unusable through negligence

(1) Damaging a data medium or violation of the requirements for preservation of records through negligence, if a public record or a private record entered in the archives register is thereby rendered unusable or the value thereof is reduced, is punishable by a pecuniary punishment.

(2) The same act, if significant damage is thereby caused to the interests of a person or agency that are protected by law or to the interests of the state or a local government, is punishable by a pecuniary punishment or up to one year of imprisonment.

Chapter 17

Offences Related to Office

Division 1

Misuse of Authority

§ 288. Definition of official

For the purposes of the Special Part of the Penal Code, "an official" means a person who holds office in a state or local government agency or organ, or in a legal person in public or private law, and to whom administrative, supervisory or managerial functions, or functions relating to the organisation of movement of assets, or functions of a representative of state authority have been assigned.

§ 289. Misuse of official position

An official who unlawfully takes advantage of his or her official position with the intention to cause or who taking advantage of his or her official position causes significant damage to the rights or interests of another person that are protected by law or to public interests shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

§ 290. Negligence related to office

An official who fails to perform or performs inadequately his or her official duties due to unconscientious or careless attitude towards the duties, thereby causing major damage to the rights or interests of another person that are protected by law or to public interests shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 291. Abuse of authority

An official who unlawfully uses a weapon, special equipment or violence while performing his or her official duties shall be punished by a pecuniary punishment or 1 to 5 years' imprisonment.

§ 292. Violation of requirements for maintenance of databases

(1) Violation of the requirements for the maintenance of a state or local government database, 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.

(2) The same act, if significant damage is thereby caused to the rights or interests of another person that are protected by law or to public interests through negligence, is punishable by a pecuniary punishment.

Division 2

Breach of Duty to Maintain Integrity

§ 293. Accepting of gratuities

(1) An official who consents to a promise of property or other benefits or who accepts property or other benefits in return for a lawful act which he or she has committed or which there is reason to believe that he or she will commit, or for a lawful omission which he or she has committed or which there is reason to believe that he or she will commit and, in so doing, takes advantage of his or her official position shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(2) The same act, if committed:

1) at least twice;

2) by demanding gratuities;

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

3) by a group, or

4) on a large-scale basis,

is punishable by up to 5 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.

§ 294. Accepting bribe

(1) An official who consents to a promise of property or other benefits or who accepts property or other benefits in return for an unlawful act which he or she has committed or which there is reason to believe that he or she will commit, or for an unlawful omission which he or she has committed or which there is reason to believe that he or she will commit and, in so doing, takes advantage of his or her official position shall be punished by 1 to 5 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(2) The same act, if committed:

1) at least twice;

2) by demanding bribe;

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

3) by a group, or

4) on a large-scale basis,

is punishable by 2 to 10 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) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

§ 295. Arranging receipt of gratuities

(1) Arranging a receipt of gratuity is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:

1) at least twice, or

2) by taking advantage of an official position,

is punishable by a pecuniary punishment or up to 3 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.

§ 296. Arranging bribe

(1) Arranging a bribe is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if committed:

1) at least twice, or

2) by taking advantage of an official position,

is punishable by a pecuniary punishment or up to 3 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.

§ 297. Granting of gratuities

(1) Granting or promising a gratuity is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(2) The same act, if committed at least twice, is punishable by up to 5 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.

§ 298. Giving bribe

(1) Giving or promising a bribe is punishable by 1 to 5 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(2) The same act, if committed at least twice, is punishable by 2 to 10 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) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

§ 299. Counterfeiting or falsification of documents by officials

(1) An official who falsifies a document or issues a falsified document shall be punished by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if significant damage is thereby caused to the rights or interests of another person or to public interests, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 300. Violation of requirements for public procurement

An official who creates unjustified preferential conditions or advantages for a participant in an invitation to tender or otherwise violates the requirements for public procurement if significant damage is thereby caused to the rights or interests of another person or to public interests shall be punished by a pecuniary punishment or up to one year of imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 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. Causing serious health damage to judges, lay judges, preliminary investigators, prosecutors, criminal defence counsels, representatives of victims, or their close persons

(19.06.2002 entered into force 29.07.2002 - RT I 2002, 64, 390)

(1) Causing serious damage to the health of a judge, lay judge, preliminary investigator, prosecutor, criminal defence counsel, representative of a victim, or a person close to such person, with the intention to compel the judge, lay judge, preliminary investigator, prosecutor, criminal defence counsel or representative of the victim to act contrary to the interests of administration of justice, or in revenge for the performance of duties by such person, is punishable by 4 to 12 years' imprisonment.

(19.06.2002 entered into force 29.07.2002 - RT I 2002, 64, 390)

(2) The same act, if the death of a person specified in subsection (1) of this section is thereby caused, is punishable by 6 to 20 years' imprisonment.

§ 303. Violence against judges, lay judges, preliminary investigators, prosecutors, criminal defence counsels, representatives of victims, or their close persons

(19.06.2002 entered into force 29.07.2002 - RT I 2002, 64, 390)

Use of violence against a judge, lay judge, preliminary investigator, prosecutor, criminal defence counsel, representative of a victim, or a person close to such person, or influencing a judge, lay judge, preliminary investigator, prosecutor, criminal defence counsel or representative of a victim in any other manner, with the intention to compel him or her to act contrary to the interests of administration of justice, or in revenge for the performance of duties by such person, is punishable by a pecuniary punishment or 1 to 5 years' imprisonment.

(19.06.2002 entered into force 29.07.2002 - RT I 2002, 64, 390)

§ 304. Damaging or destroying property of judges, lay judges, preliminary investigators, prosecutors, criminal defence counsels, representatives of victims, or their close persons

(19.06.2002 entered into force 29.07.2002 - RT I 2002, 64, 390)

Damaging or destroying the property of a judge, lay judge, preliminary investigator, prosecutor, criminal defence counsel, representative of a victim, or a person close to such person, with the intention to compel the judge, lay judge, preliminary investigator, prosecutor, criminal defence counsel or representative of the victim to act contrary to the interests of administration of justice, or in revenge for the performance of duties by such person, is punishable by pecuniary punishment or up to 5 years' imprisonment.

(19.06.2002 entered into force 29.07.2002 - RT I 2002, 64, 390)

§ 305. Defamation of court or judge

Defamation of a court or judge in connection with their participation in administration of justice is punishable by a pecuniary punishment or up to 2 years' imprisonment.

§ 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 5 years' imprisonment.

(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 preparation or commission by another person of a criminal offence in the first degree is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) Failure by the offender's parent, child, adoptive parent, adopted child, brother, sister, grandparent, grandchild, spouse or a parent thereof to report preparation or commission of a criminal offence in the first degree does not constitute guilt.

§ 308. Violation of requirements for safekeeping recorded assets

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 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.

§ 309. Obstruction of activities of court security guard

Failure to comply with a lawful order given by a court security guard, or obstruction of his or her professional activities, is punishable by a pecuniary punishment.

Division 2

Offences Against Person's Rights in Pre-trial Proceedings or Court Proceedings

§ 310. Unlawful charges of criminal offence

A preliminary investigator or prosecutor who knowingly charges an innocent person with a criminal offence shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 311. Making of unlawful court judgment or ruling

A judge who knowingly makes an unlawful court judgment or ruling shall be punished by 5 to 10 years' imprisonment.

§ 312. Unlawful interrogation

A preliminary investigator or prosecutor who uses violence in order to compel a person to give testimony shall be punished by a pecuniary punishment or 1 to 5 years' imprisonment.

§ 313. Unlawful application of measures securing conduct of judicial proceedings

Taking into custody or keeping in custody or detention, or compelled attendance, if applied in order to secure the conduct of a judicial proceeding but without a legal basis, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 314. Unlawful search or eviction

Unlawful search or eviction from a dwelling is punishable by a pecuniary punishment.

§ 315. Unlawful special or exceptional surveillance activities

Unlawful special or exceptional surveillance activities conducted by a person with the right

arising from law to engage in surveillance are punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 316. Fraudulent creation of evidence

Fraudulent creation of evidence with the intention to obstruct 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 1 to 5 years' imprisonment.

§ 317. Obstruction of appearance of participant in proceedings, witness, victim, expert, translator or interpreter

Preventing a participant in a proceeding, a witness, expert, translator or interpreter from appearing at a pre-trial proceeding or court proceeding is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 318. Refusal by witness, victim, translator or interpreter to perform duties

Unjustified refusal by a victim or witness to give testimony in a pre-trial or court proceeding, whereas such person had been warned in advance of the punishability of such acts, 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.

§ 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 5 years' imprisonment.

§ 320. False testimony

(1) A victim or witness who gives knowingly false testimony in a pre-trial or court proceeding, whereas he or she had been warned in advance of the punishability of such act, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if it involves fraudulent creation of evidence, is punishable by a pecuniary punishment or up to 5 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 5 years' imprisonment.

§ 322. Coercion into giving false testimony, rendering false expert opinion or provision of false translation or interpretation

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 4 years' imprisonment.

§ 323. Use of violence against suspect, accused, accused at trial, acquitted person, convicted offender, witness, expert, translator, interpreter or victim

Use of violence against a suspect, the accused, the accused at trial, an acquitted person, a convicted offender, a witness, expert, translator, interpreter or victim in order to prevent him or her from performing his or her duties or exercising his or her rights in criminal procedure, or to take revenge for his or her lawful activities in criminal procedure, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

Division 3

Offences Against Enforcement of Punishment

§ 324. Unlawful treatment of prisoners or persons in detention or custody

An official of a custodial institution who, taking advantage of his or her official position, degrades the dignity of a prisoner or a person in detention or custody, or discriminates against such person or unlawfully restricts his or her rights, shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 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 300 fine units or by detention.

(2) The same act, if:

1) committed at least twice;

2) committed by an official of the custodial institution, or

3) the object of the delivery is a weapon, ammunition, explosive substance, money, alcohol or a narcotic drug or psychotropic substance,

is punishable by a pecuniary punishment or up to one year of imprisonment.

(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

Unlawful release of a prisoner 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 3 years' imprisonment.

§ 327. Mutiny in prison

(1) A person who in a custodial institution organises activities which are contrary to the internal procedure rules of the institution or participates in such activities shall be punished by a pecuniary punishment or up to 3 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 1 to 5 years' imprisonment.

(3) The same act, if:

1) serious damage to the health of a person is thereby caused, or

2) it results in the death of a person,

is punishable by 6 to 15 years' imprisonment.

§ 328. Escape from penal institution or from custody

(1) Escape from a penal institution or from custody is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) by using violence, or

2) by a group,

is punishable by up to 5 years' imprisonment.

§ 329. Evasion of service of sentence

Evasion of resumption of the service of a sentence by a prisoner who has been permitted to leave the custodial institution, or evasion of the service of any other sentence which has been imposed for an offence by a court judgment and enforced, is punishable by a pecuniary punishment or up to one year of imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 330. Manufacture, acquisition, possession, or consumption without prescription of alcoholic beverages or other substances containing spirit by prisoner or person in detention or custody

A prisoner or a person in detention or custody who manufactures, acquires, possesses or consumes without a prescription alcoholic beverages or other substances containing spirit shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 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 shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

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, postal payment means and state fineness marks used in foreign states.

§ 333. Counterfeiting of payment means or securities

(1) Counterfeiting of money, bank cards or other payments means, or shares, bonds or other securities with the intention of use is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed:

1) at least twice, or

2) on a large-scale basis,

is punishable by 1 to 6 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) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by compulsory dissolution.

§ 334. Use of counterfeit payment means or securities

(1) Use, exchange or delivery of counterfeit money or bringing counterfeit money into circulation in any other manner, or use of a counterfeit bank card or other payment means or security, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed:

1) at least twice, or

2) on a large-scale basis,

is punishable by 2 to 10 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) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

§ 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 3 years' imprisonment.

(2) The same act, if committed:

1) at least twice, or

2) on a large-scale basis,

is punishable by 2 to 10 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) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

§ 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 pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed:

1) at least twice, or

2) on a large-scale basis,

is punishable by 2 to 10 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) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

§ 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 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.

§ 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 pecuniary punishment or up to 3 years' imprisonment.

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

§ 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 pecuniary punishment or up to 3 years' imprisonment.

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

§ 340. Preparation for counterfeiting of money, bank cards, other payment means, securities, revenue stamps, postal payment means or impressions thereof, or state fineness marks

(1) Acquisition, manufacture, adaptation, storage or transfer of a device or other equipment necessary for counterfeiting money, bank cards, other payment means, securities, revenue

stamps, postal payment means or impressions thereof or fineness marks is punishable by a pecuniary punishment.

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

§ 341. Counterfeiting of honorary decorations

Counterfeiting honorary decorations of the Republic of Estonia with the intention to use the decorations is punishable by a pecuniary punishment.

§ 342. Counterfeiting of transport tickets or cards

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.

§ 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 counterfeit document, seal or blank document form with the intention to obtain rights or release from obligations is punishable by a pecuniary punishment or up to 3 years' imprisonment.

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

§ 346. Destruction, damaging, theft or concealment of documents, seals or stamps

Destruction, damaging, theft or concealment of an official document, seal or stamp is punishable by a fine or detention.

§ 347. Falsification of important identity documents

(1) Falsification of an important identity document is punishable by a pecuniary punishment or up to 5 years' imprisonment.

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

§ 348. Use of or grant of permission to use falsified important identity document

Knowing use of or grant of permission to use a falsified important identity document is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 349. Fraudulent use of important identity documents

A person who uses an important identity document issued in the name of another person or grants permission to another person to use an important identity document issued in his or her own name, with the intention to obtain rights or release from obligations, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

§ 350. Important identity document

For the purposes of this Division, an important identity document is an identity 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, motor vehicle driver's licence or a certificate of service in the Defence Forces.

§ 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) A person who in a forest or elsewhere in nature causes a risk of fire or violates the requirements for ensuring fire safety and preventing the spread of a fire shall be punished 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 50 000 kroons.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 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 200 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 30 000 kroons.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(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 3 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 3 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 5 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 3 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 3 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 3 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(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 300 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

§ 363. Acting without natural resource utilisation permit or pollution permit

(1) Acting without a natural resource utilisation permit or pollution permit where such permit is required, or violation of the requirements set forth in the permit, is punishable by a pecuniary punishment.

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

§ 364. Polluting environment

(1) Unlawful release of substances, energy or waste into the environment, or causing noise exceeding the established limits, is punishable by a pecuniary punishment.

(2) The same act, if significant damage is thereby caused to the environment, is punishable by a pecuniary punishment or up to 2 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.

§ 365. Polluting environment through negligence

(1) Unlawful release of substances, energy or waste into the environment through negligence, or unlawful causing of noise exceeding the established limits through negligence, 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.

§ 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 100 fine units or by detention.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

§ 367. Violation of requirements for handling dangerous chemicals or waste

(1) Violation of the requirements for handling chemicals or waste dangerous to human health or the environment, if such violation causes a danger to human life or health or to the environment, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if a danger to human life or health or to the environment 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.

§ 368. Violation of requirements for handling dangerous chemicals or waste through negligence

(1) Violation of the requirements for handling chemicals or waste dangerous to human health or the environment through negligence, if such violation causes a danger to human life or health or 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.

§ 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

Damaging, destruction or unauthorised removal of boundary markers or local government or state basic network marks, altitudinal network marks or gravimetric network marks is punishable by a fine of up to 100 fine units or by detention.

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 activities without an activity licence, other licence or registration in a field where such activity licence, other licence or registration is required, are punishable by a pecuniary punishment or up to 6 years' imprisonment.

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

(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.

§ 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 by law or a court decision and the violation does not comprise 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.

§ 374. Illegal production of alcohol

(1) Manufacturing, bottling or processing of alcohol the handling of which is prohibited is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(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.

§ 375. Violation of procedure for handling alcohol

(1) Storage, warehousing, or delivery of or trade in large quantities of alcohol the handling of which is prohibited, if a punishment for a misdemeanour has been imposed on the offender for the same act, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(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.

§ 376. Violation of procedure for handling tobacco products

(1) Storage, warehousing, or delivery of or trade in large quantities of tobacco products not marked with a revenue stamp or packaged in a sales packaging not in compliance with other requirements, if a punishment for a misdemeanour has been imposed on the offender for the same act, is punishable by a pecuniary punishment or up to 3 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.

§ 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 or if a punishment for a misdemeanour has been imposed on the offender for the same act, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

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

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 376^2. Illegal handling of liquid fuel which does not comply with quality requirements

(1) Illegal production, import, storage and trade in liquid fuel which does not comply with quality requirements and the possession of such liquid fuel for commercial purposes, if the object of the act is a large quantity of liquid fuel which does not comply with quality requirements or if a punishment for a misdemeanour has been imposed on the offender for the same act, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

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

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

Division 2

Offences Relating to Companies

§ 377. Disclosure of business secrets

(1) Disclosure of a business secret without a corresponding permission from a competent body of the public or private limited company is punishable by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if significant damage is thereby caused, is punishable by a pecuniary punishment or up to 5 years' imprisonment.

§ 378. Unjustified use of business secrets

Use of a business secret without a corresponding permission from a competent body of the public or private limited company is punishable by a pecuniary punishment or up to one year of

imprisonment.

§ 379. Failure to submit or incorrect submission of results of audit or special audit

(1) An auditor or a person conducting a special audit who in a report fails to submit or incorrectly submits the facts which became known to him or her in the conduct of an audit or special audit shall be punished by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if significant damage is thereby caused, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 380. Failure to call meeting of shareholders

Failure to call a general meeting of shareholders pursuant to the prescribed procedure where it is evident from the balance sheet that the net assets of the company are less than one-half of the share capital or that the assets of the company are less than the minimum amount of share capital established by law, or failure to perform the obligation to submit a bankruptcy petition provided by law, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 381. Incorrect presentation of financial status

Failure to submit information or submission of incorrect information to shareholders, auditors, persons conducting a special audit or to the public concerning the financial status of a company is punishable by a pecuniary punishment or up to 3 years' imprisonment.

§ 382. Submission of incorrect information to auditor or person conducting special audit

A founder of or a shareholder of a company, who fails to submit information or submits incorrect information to an auditor or a person conducting a special audit, if such information does not concern the financial status of the company, shall be punished by a pecuniary punishment or up to one year of imprisonment.

§ 383. Unlawful use of rights arising from shares

Use, without the right of representation, of shares or certificates of subscription of another person at a general meeting or unlawful use of other rights arising from shares, is punishable by a pecuniary punishment or up to one year of imprisonment.

Division 3

Offences Relating to Bankruptcy and Enforcement Procedure

§ 384. Causing insolvency

(1) A person who materially reduces the solvency of the person or causes the insolvency of the person through destroying, damaging, squandering or unjustified grant or assignment of assets or investment thereof in a foreign state or assumption of unjustified obligations or grant of unjustified benefits, or a debtor who prefers one creditor to another while being aware that due to the existing or expected economic difficulties the acts of the debtor may violate the interests of the creditor, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) An act provided for in subsection (1) of this section is punishable only if the court has declared the bankruptcy of the offender or terminated the bankruptcy proceedings by abatement since the assets of the debtor are insufficient to cover the costs of the bankruptcy proceeding and it is impossible to recover or reclaim the assets.

§ 385. Concealment of assets or debts in bankruptcy or enforcement proceedings

(1) A debtor who in bankruptcy or enforcement proceedings conceals the assets or debts of the debtor or submits incorrect information concerning the assets or debts or other facts which are significant for a creditor shall be punished by a pecuniary punishment or up to one year of imprisonment.

(2) The same act, if it involves perjury, is punishable by a pecuniary punishment or up to 2 years' imprisonment.

Division 4

Tax Fraud

§ 386. Fraudulent miscalculation of tax

(1) Presentation, in a tax return or other document submitted to a tax authority, of a tax calculation or false information due to which the amount of tax due is smaller than the amount of tax to be paid pursuant to a tax law, or the amount returned, compensated or set off is greater than the amount to be returned, compensated or set off pursuant to law, if a punishment for a misdemeanour has been imposed on the offender for the same act, or if such act results in a tax underpayment, or tax return, set-off or compensation without legal basis in the amount of 500 000 kroons or more is punishable by a pecuniary punishment or up to 3 years' imprisonment.

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

(15.05.2002 entered into force 01.09.2002 - RT I 2002, 44, 284)

§ 387. (Repealed - 15.05.2002 entered into force 01.09.2002 - RT I 2002, 44, 284)

§ 388. (Repealed - 15.05.2002 entered into force 01.09.2002 - RT I 2002, 44, 284)

§ 389. Failure to withhold tax

(1) Failure to withhold the amount of tax prescribed by a tax law from payments made to a taxpayer or failure to transfer the withheld tax amounts to the bank account of the tax authority in full or on time, if a punishment for a misdemeanour has been imposed on the offender for the same act or the act results in a tax underpayment in the amount of 500 000 kroons or more, is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(15.05.2002 entered into force 01.09.2002 - RT I 2002, 44, 284)

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

§ 390. Obstruction of activities of tax authority

(1) Failure to submit a tax return or other information by the due date, failure to register with a tax authority, tampering with a meter or preventive measure, submission of false information or knowing submission of incorrect documents to a tax authority, failure to comply with the requirements established for the keeping of records of goods, failure to perform an order of a tax authority or obstruction of the activities of a tax authority in any other manner, if a punishment for a misdemeanour has been imposed on the offender for the same act or the act results in a tax underpayment in the amount of 500 000 kroons or more, is punishable by 2 to 10 years' imprisonment.

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

(15.05.2002 entered into force 01.09.2002 - RT I 2002, 44, 284)

§ 391. Illicit traffic

(1) A person who, while carrying goods to be declared across the customs frontier, conceals the goods from the customs control or evades customs control, fails to declare the goods, declares the goods under an incorrect commodity code or using a false description, submits falsified documents, or uses any other fraud, if the object of the act is a large quantity of goods or a punishment for a misdemeanour has been imposed on the offender for the same act, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(2) The same act, if committed:

1) by an official taking advantage of his or her official position, or

2) by a group,

is punishable by 1 to 5 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.

§ 392. Illicit traffic in prohibited goods or goods requiring a special permit

(1) Illicit traffic in prohibited goods or carriage of radioactive substances, explosive substances, narcotic drugs or psychotropic substances, precursors for narcotic drugs or psychotropic substances, non-narcotic medicinal products, dangerous chemicals or waste, strategic goods, firearms or ammunition without the corresponding special permit is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed:

1) by an official taking advantage of his or her official position, or

2) by a group,

is punishable by 2 to 10 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) The court shall confiscate the substance or object which was the direct object of commission of an offence provided for in this section.

§ 393. Unlawful acts with goods subject to customs preferences

(1) Unlawful acts or transactions in a customs territory with goods imported with customs preferences or goods under customs supervision, where the object of the acts or transactions was a large quantity of goods, are punishable by a pecuniary punishment or up to 3 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(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 5 years' imprisonment.

(2) The same act, if committed:

1) by a group;

2) at least twice;

3) on a large-scale basis, or

4) by a criminal organisation,

is punishable by 2 to 10 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) An act provided for in subsection (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(5) 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.

§ 395. Failure to comply with identification requirement

Failure by an employee of a credit or financial institution to comply with the identification requirement provided for in the Money Laundering Prevention Act (RT I 1998, 110, 1811; 2000, 84, 533; 2001, 93, 565; 2002, 53, 336; 63, 387) is punishable by a pecuniary punishment.

§ 396. Failure to report suspicious transaction, submission of incorrect information

The head or a contact person of a credit or financial institution, or an undertaking, who fails to report a suspicious transaction or submits incorrect information to the Financial Intelligence Unit shall be punished by a pecuniary punishment or up to one year of imprisonment.

Division 6

Offences Relating to Securities Circulation

§ 397. Illegal investment

(1) Violation of restrictions provided by law on investment of assets is punishable by a pecuniary punishment.

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

§ 398. Transactions with securities of issuer

A person in possession of confidential information who performs transactions with issuer's securities in the person's own name or through a third person by using such information, releases confidential information to third persons without authorisation or advises third persons on the basis of confidential information to perform transactions shall be punished by a pecuniary punishment or up to one year of imprisonment.

Division 7

Offences Relating to Competition

§ 399. Abuse of dominant position

(1) A member of the management board, of a body substituting for the management board or of the supervisory board of a legal person, who establishes unfair trading conditions, or who limits production, services, market, technical development or investments to the prejudice of consumers, or engages in activities involving abuse of the dominant position in the market shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

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

§ 400. Agreements, decisions and concerted practices prejudicing free competition

(1) A member of the management board, of a body substituting for the management board or of the supervisory board of a legal person, who violates a prohibition against agreements, decisions or concerted practices prejudicing free competition, or enters into an agreement, makes a decision or engages in concerted practices requiring an exemption without obtaining such exemption, or violates the conditions of the exemption shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

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

§ 401. Concentration prejudicing competition

(1) A member of the management board, of a body substituting for the management board or of a supervisory board of a legal person, who fails to give notice of concentration prejudicing free competition within the specified term or violates the prohibition on concentration or the conditions of a permission authorising concentration shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

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

§ 402. Violation of obligations of undertakings with special or exclusive rights or essential facilities

(1) A member of the management board, of a body substituting for the management board or of the supervisory board of a legal person, who denies other undertakings access to a network, infrastructure or other essential facility under reasonable and non-discriminatory conditions, or engages in other activities which create violation of the obligations provided by law for legal persons with special or exclusive rights or essential facilities shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(18.09.2002 entered into force 24.10.2002 - RT I 2002, 82, 480)

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

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 5 years' imprisonment.

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

§ 404. Arson

A person who sets on fire an object which belongs to him or her or to another person and thereby causes a danger to human life or health shall be punished by a pecuniary punishment or up to 5 years' imprisonment.

§ 405. Causing explosion

(1) Causing an explosion which results in a danger to human life or health or to property is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(2) The same act, if committed by using an explosive device or explosive substance, is punishable by 5 to 10 years' imprisonment.

(3) The same act, if committed by using nuclear energy or in a dangerous enterprise or an enterprise liable to be affected by a major accident, is punishable by 8 to 20 years' imprisonment or life imprisonment.

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) 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 the proper functioning of a vital public utilities system, is punishable by a pecuniary punishment.

(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 5 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 5 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 3 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 3 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 3 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 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.

§ 412. Violation of requirements for handling radiation sources

(1) Violation of the requirements for storage, use, transportation or other handling of a radiation source, 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 5 years' imprisonment.

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

Division 4

Offences Relating to Explosive Substances

§ 413. Handling of explosive substances

For the purposes of this Division, "handling of explosive substances" means both trade in explosive substances and handling thereof.

§ 414. Unlawful handling of explosive substances

(1) Unlawful manufacture, acquisition, transfer, marketing or other unlawful handling of explosive substances which are permitted to be used for civilian purposes is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if it involves handling of explosive substances which are prohibited to be used for civilian purposes, is punishable by a pecuniary punishment or up to 6 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if:

1) committed at least twice, or

2) the object of the act is a large quantity of explosive substances,

is punishable by 2 to 10 years' imprisonment.

(4) An act provided for in subsection (2) of this section, if:

1) committed at least twice, or

2) the object of the act is a large quantity of explosive substances,

is punishable by 3 to 12 years' imprisonment.

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

(6) An act provided for in subsection (3) or (4) of this section, if committed by a legal person, is punishable by a pecuniary punishment or compulsory dissolution.

(7) For an offence provided for in this section, the court may impose a fine to the extent of assets as a supplementary punishment pursuant to § 53 of this Code.

§ 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 2 to 10 years' imprisonment.

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

(3) For an offence provided for in this section, the court may impose a fine to the extent of assets as a supplementary punishment pursuant to § 53 of this Code.

§ 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, 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 6 years' imprisonment.

(2) The same act, if a 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 3 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 is punishable by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if committed with a firearm used as a service or military weapon or with an essential component or ammunition thereof, is punishable by 2 to 10 years' imprisonment.

(3) An act provided for in subsection (1) of this section, if:

1) committed at least twice, or

2) the object of the act is a large quantity of firearms, essential components thereof or ammunition, or

3) committed by a group or a criminal organisation,

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

(4) An act provided for in subsection (2) of this section, 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 5 to 15 years' imprisonment.

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

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

§ 419. Negligent storage of firearms

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 3 years' imprisonment.

§ 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.

Chapter 23

Traffic Offences

§ 422. Violation of traffic requirements or vehicle operating rules by driver

(1) A driver of a motor vehicle, aircraft, water craft, tram or rail vehicle who violates traffic requirements or vehicle operating rules and thereby causes major damage to the health of a person or the death of a person through negligence shall be punished by up to 5 years' imprisonment.

(2) The same act, if it causes the death of two or more persons, is punishable by 3 to 12 years' imprisonment.

§ 423. Violation of traffic requirements or vehicle operating rules by driver through negligence

(1) A driver of a motor vehicle, aircraft, water craft, tram or rail vehicle who through negligence violates traffic requirements or vehicle operating rules and thereby causes major damage to the health of a person or the death of a person shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(2) The same act, if it causes the death of two or more persons, is punishable by 1 to 5 years' imprisonment.

§ 424. Driving while intoxicated

A person who drives a motor vehicle while intoxicated and who has been previously punished for the same act shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

§ 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 3 years' imprisonment.

(2) The same act, if it causes:

1) the death of a person;

2) health damage to a person, or

3) major damage,

is punishable by 3 to 12 years' imprisonment.

§ 426. Unlawful use of identification marks of emergency vehicles

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 pecuniary punishment.

§ 427. Violation of international air traffic rules

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 is punishable by a pecuniary punishment or up to one year of imprisonment.

§ 428. Carriage of highly flammable or caustic substances on board aircraft by passenger

(1) Carriage of highly flammable or caustic substances on board aircraft by a passenger is punishable by a pecuniary punishment.

(2) The same act, if major damage is thereby caused, is punishable by 1 to 5 years' imprisonment.

§ 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, shall be punished by a pecuniary punishment or up to 3 years' imprisonment.

§ 430. Unauthorised stopping of train without reason

Stopping a train without reason by pulling an emergency brake or cutting off the main air brake pipe or in any other manner, if through negligence such act results in:

1) serious damage to the health of a person, or

2) the death of a person, or

3) major damage,

is punishable by a pecuniary punishment or up to 5 years' imprisonment.

Chapter 24

Offences Relating to Service in Defence Forces

§ 431. Punishment for offences provided for in this Chapter

(1) Persons in active service in the Defence Forces and reservists participating in training exercises can be punished for commission of offences relating to service in the Defence Forces.

(2) For the purposes of this Chapter, a person is deemed to be in active service as of the date of the issue of the directive by which he or she is accepted in active service.

§ 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 2 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(2) The same act, if committed publicly by a group, is punishable by up to 3 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 2 to 10 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 of imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(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 2 to 10 years' imprisonment.

§ 434. Threatening person in active service

(1) A person who, with the intention to terminate performance of duties related to service in the Defence Forces or to alter the nature of such duties, threatens to kill, cause health damage to or destroy or damage property of a person who is in active service or his or her family member shall be punished by up to 3 years' imprisonment.

(2) The same act, if committed against a senior officer or superior officer, is punishable by 1 to 5 years' imprisonment.

§ 435. Violence against person in active service

(1) Causing serious health damage to or use of violence against a person who is in active service or his or her family member, with the intention to terminate performance of duties related to service in the Defence Forces or alter the nature of such duties, is punishable by 4 to 12 years' imprisonment.

(2) The same act, if committed during a state of emergency or a state of war, is punishable by 5 to 15 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 of imprisonment.

(2) The same act, if unauthorised absence lasts for more than thirty days, is punishable by up to 2 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 detention or 1 to 5 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 1 to 5 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 2 to 10 years' imprisonment.

§ 439. Desertion

(1) Unauthorised departure from a military unit or any other place of service with the intention to evade service in the Defence Forces is punishable by 1 to 5 years' imprisonment.

(2) The same act, if committed during a state of emergency or a state of war, is punishable by 2 to 10 years' imprisonment.

§ 440. Evasion of service in Defence Forces

(1) A person who evades service in the Defence Forces by causing an injury to himself or by having an injury caused to him by another person, or by simulating an illness, falsifying documents or using any other fraud shall be punished by 1 to 5 years' imprisonment.

(2) The same act, if committed with the intention to evade performance of duties related to service in the Defence Forces, is punishable by up to 3 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 2 to 10 years' imprisonment.

§ 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) the death of a person;

2) serious damage to the health of a person, or

3) major damage,

is punishable by 1 to 5 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) the death of a person;

2) serious damage to the health of a person, or

3) major damage,

is punishable by 2 to 10 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) the death of a person;

2) serious damage to the health of a person, or

3) a shipwreck, or

4) major damage,

is punishable by 2 to 10 years' imprisonment.

§ 444. Violation of garrison, internal or disciplinary regulations

(1) Violation of garrison, internal or disciplinary regulations, if significant damage is thereby caused, is punishable by up to 3 years' imprisonment.

(2) The same act, if significant damage is thereby caused through negligence, is punishable by up to one year of imprisonment.

(3) 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 up to 5 years' imprisonment.

(4) An act provided for in subsection (2) of this section, if committed during a state of emergency or a state of war, is punishable by up to 3 years' imprisonment.

§ 445. False service report

(1) Submission of a false oral or written service report is punishable by up to one year of imprisonment.

(2) The same act, if it causes:

1) the death of a person;

2) damage to the health of a person, or

3) major damage,

is punishable by 6 to 15 years' imprisonment.

(3) An act provided for in subsection (2) of this section, if committed by a senior officer or superior officer, is punishable by 6 to 20 years' imprisonment.

§ 446. Abuse of authority

(1) A commander or a Defence Forces official 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 shall be punished by up to 5 years' imprisonment.

(12.06.2002 entered into force 01.09.2002 - RT I 2002, 56, 350)

(2) The same act, if committed during a state of emergency or a state of war, is punishable by 1 to 5 years' imprisonment.

§ 447. Negligence in service

(1) A commander or a Defence Forces official who fails to perform or inadequately performs his or her official duties due to unconscientious or careless attitude towards the duties, thereby

causing significant damage to the rights or interests of another person that are protected by law or to the interests of the state shall be punished by up to 2 years' imprisonment.

(2) The same act, if committed during a state of emergency or a state of war, is punishable by up to 5 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 5 years' imprisonment.

(2) The same act, if committed during a state of emergency or a state of war, is punishable by 1 to 5 years' imprisonment.

§ 449. Surrendering military forces or surrendering property to enemy

A commander who without authorisation surrenders military forces 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, shall be punished by 3 to 12 years' imprisonment.

§ 450. Abandoning 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 1 to 5 years' imprisonment.

(2) The same act, if committed during a state of emergency or a state of war, is punishable by 2 to 10 years' imprisonment.

Chapter 25

Implementing Provision

§ 451. Implementation of Penal Code

The Penal Code shall be implemented by a separate Act.

[1] RT = *Riigi Teataja = the State Gazette*

[2] Riigikogu = the parliament of Estonia