

ACT  
AMENDING  
THE CRIMINAL CODE (KZ-1B)

Article 1

In Article 1 of the Criminal Code (Ur. l. RS, nos 55/08, 66/08 – as amended and 39/09), a new paragraph 3 shall be inserted to read as follows:

"(3) Criminal liability shall not be imposed on a person whose guilt has been excluded on the grounds of his insanity at the time of committing a criminal offence. The measures laid down by this Code may be imposed on any person who commits any act that contains elements of a criminal offence and is contrary to law (an unlawful act).".

Article 2

In the heading of Article 3, the word "legal" shall be deleted.

The amendment to paragraph 3 in the Slovenian text does not apply to the English translation.

A new paragraph 5 shall be inserted to read as follows:

"(5) Under the conditions determined in this Code, a perpetrator may be subjected to safety measures, confiscated proceeds of crime, and may be issued with a judgment if he was not found guilty on the grounds of his insanity at the time of committing a criminal offence. Provisions regarding the legal consequences of the sentence shall also apply to such perpetrators."

Article 3

Paragraph 3 of Article 7 shall be deleted.

Article 4

Article 8 shall be amended to read as follows:

"Laws of limited duration  
Article 8

An Act or other regulation to which a criminal Act refers and which is applicable only for a limited duration shall apply to the criminal offence committed during the period of its validity and, unless otherwise provided, after the aforementioned duration has elapsed."

Article 5

The amendment to paragraph 2 of Article 10 in the Slovenian text does not apply to the English translation.

The amendment to paragraph 3 in the Slovenian text does not apply to the English translation.

#### Article 6

In the first indent of Article 11 the text "or any other criminal offence, which according to the international agreement has to be prosecuted in all signatory states, irrespective of the location where it was committed" shall be replaced by: ""and the criminal offences referred to in Articles 332, 333 and 334 of this Code provided they were committed in the ecological protection zone or in the continental shelf of the Republic of Slovenia".

#### Article 7

In Article 13, a new paragraph 3 shall be inserted to read as follows:

"(3) The Criminal Code of the Republic of Slovenia shall be applicable to any person who commits any criminal offence abroad which, under relevant international agreement(s) or general legal rules recognised by the international community, is subject to prosecution, regardless of the location where it was committed."

#### Article 8

In paragraphs 2 and 3 of Article 14, the wording "Articles 12 and 13" shall be replaced by the wording "Article 12 and paragraphs 1 and 2 of Article 13".

In paragraph 5, a comma and the wording "paragraph 3 of Article 13" shall be inserted after "Article 11".

A new paragraph 7 shall be inserted to read as follows:

"(7) In the cases referred to in paragraph 3 of Article 13 of this Code, the perpetrator shall be prosecuted only by permission of the Minister of Justice."

#### Article 9

In Article 15, the wording "more sentences than they were imposed" shall be replaced by the wording "more sentences than the sentence imposed".

#### Article 10

The amendment to Article 16 in the Slovenian text does not apply to the English translation.

#### Article 11

In paragraph 1 of Article 22, the wording "constitute a criminal offence" shall be replaced by the wording "be an unlawful act".

Article 12

Article 24 shall be amended to read as follows:

"Guilt  
Article 24

The perpetrator shall be found guilty if, when committing a criminal offence, he was of sound mind and acted with intent or through negligence, while he was aware or could have or should have been aware that his conduct was unlawful, and if no grounds exist to exclude his guilt."

Article 13

Article 25 shall be amended to read as follows:

"Intent  
Article 25

A criminal offence shall be deemed to have been committed with intent if the perpetrator was aware of the act and wanted to perform it (direct intent), or was aware that he could perform such act and consented to it (contingent intent)".

Article 14

Article 26 shall be amended to read as follows:

"Negligence  
Article 26

A criminal offence shall be deemed to have been committed through negligence when the perpetrator did not act with the required care, although he was aware that he was able to perform such act, but recklessly believed that it would not happen or that he would be able to prevent it (reckless negligence), or when he was not aware that he was able to perform such act but should and could have been aware of this under the given circumstances and with regard to his personal attributes (ordinary negligence)".

Article 15

Paragraph 2 of Article 27 shall be deleted.

The current paragraph 3 shall be renumbered as paragraph 2 and the wording "the imposition of a sentence in such a case would clearly not be justifiable" shall be replaced with words "punishment in such a case would clearly not be justifiable".

Article 16

Article 29 shall be amended to read as follows:

"Insanity  
Article 29

(1) Any person who was insane at the time of committing an unlawful act shall be not guilty.

(2) A perpetrator who, when committing a criminal offence, was incapable of understanding the meaning of his actions or controlling his conduct by reason of his mental disorder or mental underdevelopment, shall be deemed insane.

(3) A reduced sentence may be applied to a perpetrator whose ability to understand the meaning of his actions or to control his conduct were substantially diminished due to any of the states of mind referred to in the preceding paragraph, or due to any other permanent or severe mental disturbance.

(4) A perpetrator whose insanity was self-induced through indulgence in alcohol, drugs, other psychotic substances, or in any other ways, shall be deemed to be criminally liable if his guilt, which constitutes a statutory element of the offence in question, is established.

Article 17

The amendment to paragraph 2 of Article 30 in the Slovenian text does not apply to the existing English translation.

Article 18

Article 32 shall be amended to read as follows:

"Necessity  
Article 32

(1) An act committed by a perpetrator in order to avert from himself or from a third person an unavoidable threat shall not be deemed unlawful provided that the damage incurred does not exceed the damage threatened (justifiable necessity).

(2) A perpetrator shall be deemed not guilty if he committed an unlawful act in order to avert a simultaneous unavoidable threat to the life, physical integrity or personal freedom of himself or a third person, provided that the damage incurred did not disproportionately exceed the damage threatened, and provided the perpetrator was not obliged to expose himself to such a threat (excusable necessity).

(3) A perpetrator who considered that an avoidable mistake in the circumstances of necessity referred to in the preceding paragraph existed, shall be held responsible for criminal negligence if with the respect of such act the law provides for the punishment of negligence.

(4) If in the case referred to in paragraph 2 of this Article, the perpetrator has caused the danger himself, but through negligence, or, in the case referred to in paragraph 1 or 2 of this Article, the perpetrator has acted beyond such limits of necessity, his sentence may be reduced; however, if he has acted beyond such limits

of necessity under particularly mitigating circumstances, he may be granted a remission of the sentence."

#### Article 19

Article 33 shall be amended to read as follows:

#### "Exemption from punishment Article 33

(1) The law may lay down that, owing to personal relations, attributes or special circumstances, a perpetrator who committed an unlawful act shall be exempt from punishment.

(2) Exemption from prosecution on grounds of exemption from punishment shall not preclude another legal liability from being imposed against him for the criminal offence committed.

#### Article 20

In Article 36, a new paragraph 3 shall be inserted to read as follows:

"(3) The perpetrator may be granted a remission of his sentence if he has sincerely and appropriately endeavoured to prevent the consequences of his act – even if the consequences did not occur for another reason."

#### Article 21

In Chapter Three, a new Article 36a shall be inserted after the title "4. Participation in a criminal offence" to read as follows:

#### "Participant Article 36a

The provisions of this Code that are applicable to the perpetrator shall also apply to a participant who solicits or supports a criminal offence, unless otherwise provided by the law.

#### Article 22

In the title of Article 40, the wording "perpetrators and" shall be added after the wording "punishment of".

Paragraph 1 shall be amended to read as follows:

"(1) The perpetrator and accomplice shall be punished for criminal offences within the limits of their intent or on grounds of negligence, while the instigator and the aide shall be punished within the limits of their intent."

A new paragraph 3 shall be inserted to read as follows:

"(3) The same shall apply if the perpetrator or aide sincerely, and to the extent appropriate, endeavoured to prevent the consequence from occurring, even if the consequence did not occur for any other reason."

The current paragraph 3, which shall become paragraph 4, shall be amended to read as follows:

"(4) The personal relations, attributes and circumstances, through which guilt or punishment are excluded by law or a remitted, reduced or extended sentence, shall be taken into consideration only with respect to the perpetrator or participant with respect to whom such relations, attributes and circumstances were determined."

#### Article 23

Paragraph 1 of Article 41 shall be deleted.

In the current paragraph 2, which shall be renumbered as paragraph 1, the wording "under paragraph 1 of this Article" shall be replaced by the wording "prescribed for a criminal offence committed within a criminal organisation".

In the current paragraph 3, which shall be renumbered as paragraph 2, the wording "paragraph 2" shall be replaced by the wording "paragraph 1".

#### Article 24

In paragraph 1 of Article 45, the wording "or extended" shall be deleted.

#### Article 25

In paragraph 1 of Article 46, the wording "fifteen days" shall be replaced by the wording "one month".

Paragraph 3 shall be deleted.

The current paragraphs 4 and 5 shall be renumbered as paragraphs 3 and 4.

#### Article 26

Article 47 shall be amended to read as follows:

#### "Fines Article 47

(1) A fine shall be imposed in such a manner that the number of daily instalments set in the judgment, which the perpetrator must pay, is multiplied by the daily instalment amount set by the court by taking the pecuniary circumstances of the perpetrator into account.

(2) The number of daily instalments may amount to a minimum of ten and a maximum of three hundred and sixty daily instalments, while for criminal offences committed to one's own benefit, this may amount to a maximum of one thousand five

hundred daily instalments. The court shall fix the daily amount in accordance with the general rules on sentencing, with the exception of circumstances referring to the pecuniary circumstances of the perpetrator.

(3) The court shall fix the daily amount by taking into account the perpetrator's pecuniary circumstances on the basis of data on his income, other revenues, property value, his average maintenance costs and his family expenditure. The daily amount may not exceed EUR 1,000.

In fixing the daily amount, the court shall base its decision on data which is no older than one year from the time the sentence was imposed. If the court is not able to acquire data for fixing the daily amount, or their acquisition would cause disproportionate difficulties or delay, or in the event that a punitive order is issued, the daily amount shall be fixed on the basis of the data available and other pecuniary circumstances established with regard to the perpetrator.

(5) In the judgment, the court shall set the time limit for the payment of a fine, which may not be shorter than fifteen days and not longer than three months. Where justified, the court may allow the perpetrator to pay his fine by instalments, with the time limit for payment not exceeding two years. If the perpetrator fails to pay an instalment, the court may, by way of a decision, order immediate payment within a time limit not exceeding three months."

#### Article 27

In paragraph 1 of Article 48, the wording "against public traffic safety" shall be inserted after the word "offence".

New paragraphs 4 and 5 shall be inserted to read as follows:

"(4) The law may lay down a compulsory imposition of a ban on driving motor vehicles.

(5) The court shall not impose or enforce a ban on driving motor vehicles if the driver of a motor vehicle has been imposed the preventive measure of driving licence revocation."

#### Article 28

In paragraph 2 of Article 49, the wording "criminal liability" shall be replaced by the word "guilt" and the wording "and to the expected effect of the punishment on the future life of the perpetrator in the social environment" shall be inserted before the full stop at the end of the paragraph.

#### Article 29

The text of Article 51 shall become paragraph 1 of this Article; in point 4) the wording "fifteen days" shall be replaced by the wording "one month", while point 6) shall be deleted.

A new paragraph 2 shall be inserted to read as follows:

" (2) A perpetrator who, pursuant to the Act governing the criminal procedure, pleads guilty when giving a statement for the first time on the indictment containing the

proposal for the reduction of the sentence in the case in question, or pleads guilty in the agreement concluded with the state prosecutor, shall have his sentence reduced within the following limits:

- 1) if a prison sentence of up to ten years or more is prescribed as the lowest limit for a criminal offence, such a limit may be lowered by up to three years of imprisonment;
- 2) if a prison sentence of between three and ten years is prescribed as the lowest limit for a criminal offence, such a limit may be lowered by up to three months of imprisonment;
- 3) if a prison sentence of less than three years is prescribed as the lowest limit for a criminal offence, such a limit may be lowered by up to one month of imprisonment;
- 4) if a prison sentence of less than one year is prescribed as the lowest limit for a criminal offence, a fine may be imposed instead of imprisonment."

### Article 30

In Paragraph 2 of Article 53, point 1) shall be amended to read as follows:

"1) if a life sentence has been imposed for a concurrent criminal offence, or a prison sentence of thirty years has been imposed for two or more concurrent criminal offences referred to in paragraph 2 of Article 46 of this Criminal Code, an aggregate life sentence shall be imposed;"

A new point 2) shall be inserted to read as follows:

"(2) If a prison sentence of thirty years has been imposed for a concurrent criminal offence and it is not the case referred in point 1), the aforementioned sentence shall be imposed;"

In the current point 2), which shall be renumbered as point 3, the word "twenty" shall be replaced by the word "thirty".

The current point 3) shall be renumbered as point 4).

In the current point 4), which shall be renumbered as point 5), the text "or EUR 15,000" and "or EUR 50,000" shall be deleted.

In the current point 5), which shall be renumbered as point 6), the wording "points 2), 3) and 4)" shall be replaced by "points 2), 3), 4) and 5)".

The current point 6) shall be renumbered as point 7).

Paragraph 3 shall be deleted.

In the current paragraph 4, which shall be renumbered as paragraph 3, the word and number "point 4)" shall be replaced by the word and number "point 5)".

### Article 31

In paragraph 2 of Article 54 the word "impose" shall be replaced by the word "pronounce". The comma after the word "together" shall be replaced by a full stop, and the wording "whereby in addition to the principal sentence of imprisonment, a mandatory accessory sentence in the form of a fine shall also be imposed" shall be deleted.

In paragraph 3, the word "prescribed" shall be replaced by the word "pronounced".

Article 32

Paragraph of 3 Article 55 shall be deleted.

Article 33

In paragraph 3 of Article 56, the wording "A term of imprisonment, a fine" shall be replaced by the wording "A fine, the deprivation of liberty".

Article 34

In paragraph 3 of Article 58, the wording "criminal liability" shall be replaced by the word "guilt".

A new paragraph 5 shall be inserted to reads as follows:

" (5) The perpetrator who, pursuant to the Act governing the criminal procedure, pleads guilty when giving a statement for the first time on the indictment containing the proposal for the reduction of the sentence in the case in question, or pleads guilty in an agreement concluded with the state prosecutor, the court may also impose a suspended sentence for criminal offences for which a prison sentence of a minimum of five years is prescribed, impose a prison sentence of up to five years, and a suspension of up to ten years."

Article 35

In paragraph 4 of Article 68, the words "criminal liability" shall be replaced by the word "guilt".

A new paragraph 5 shall be inserted to reads as follows:

"(5) The perpetrator who, pursuant to the Act governing the criminal procedure, pleads guilty when giving a statement for the first time on the indictment containing the proposal for the judicial admonition in the case in question, or pleads guilty in an agreement concluded with the state prosecutor, the court may also impose judicial admonition for criminal offences for which a prison sentence of up to three years is imposed."

Article 36

Article 69 shall be amended to read as follows:

"Types of safety measures  
Article 69

The following safety measures may be imposed on perpetrators of criminal offences:

- 1) compulsory psychiatric treatment and confinement in a health institution;
- 2) compulsory psychiatric treatment at liberty;
- 3) ban on the performance of profession;
- 4) revocation of the driving licence;

5) the confiscation of items."

#### Article 37

In Article 70, new paragraphs 2 and 3 shall be added to read as follows:

"(2) When imposing a safety measure, the court shall, according to the principle of proportionality, take into consideration the gravity of the offence and offences which it reasonably believes might be committed by the offender if the safety measure was not imposed on him.

(3) Compulsory psychiatric treatment and confinement in a health institution and compulsory psychiatric treatment at liberty shall be independently imposed on a insane offender if there is no other way to ensure the safety of people. In addition to these two measures, the court may also impose other measures, including a ban on the performance of profession, revocation of the driving licence, and confiscation of items."

The current paragraphs 2 and 3 shall be renumbered as paragraphs 4 and 5.

#### Article 38

New Articles 70a and 70b shall be added after Article 70, to read as follows:

"Compulsory psychiatric treatment and confinement in a health institution  
Article 70a

(1) The court shall impose a measure of compulsory psychiatric treatment and confinement in a health institution on an offender who has committed an offence, punishable by a prison sentence of at least one year, in a state of insanity or considerably diminished responsibility if, on the basis of the gravity of the offence committed and the degree of the mental disturbance of the offender, it establishes that, while at liberty, the offender might commit a serious offence against life and limb, sexual integrity or property and that this risk may only be eliminated by ensuring that the offender receives treatment and care in a forensic psychiatric ward of a health institution that meets special security conditions provided by law.

(2) The court shall suspend the measure referred to in the preceding paragraph or shall replace it by the measure referred to in Article 70b of this Code in cases where it establishes that treatment and confinement in a health institution are no longer necessary. Every six months, the court shall decide whether further treatment and confinement in a health institution are still necessary.

(3) In the case of a insane offender, the measure referred to in paragraph 1 of this Article shall apply for a maximum of five years.

(4) In the case of an offender who committed an offence in a state of considerably diminished mental capacity and was sentenced to imprisonment, the implementation of the measure referred to in paragraph 1 of this Article shall be suspended when the offender has served the amount of time in a health institution to which he was sentenced. The time spent in a health institution shall be included in the serving of the prison sentence. If this time is shorter than the period of the prison sentence imposed, the court may order that the convicted person serve the remainder of the prison sentence or that he be conditionally released. When deciding on

conditional release, the court shall take into consideration, in particular, the success of the treatment, the convicted person's health, the time spent in a health institution, and the length of the sentence that has not yet been served.

Compulsory psychiatric treatment at liberty  
Article 70b

(1) The court shall impose the measure of compulsory psychiatric treatment at liberty on an offender who has committed an offence in a state of insanity if it establishes that this is necessary and sufficient to ensure that the offender will not repeat serious criminal offences.

(2) The court may also impose the measure of compulsory psychiatric treatment at liberty on an offender with a considerably diminished capacity who has been conditionally released under paragraph 4 of the preceding Article.

(3) Compulsory psychiatric treatment at liberty may last a maximum of two years. Every six months, the court shall decide whether further treatment at liberty is still necessary.

(4) If an offender refuses or arbitrarily stops treatment at liberty or if the treatment is unsuccessful, the court may, under the conditions laid down in paragraph 1 of the preceding Article, order that this measure be implemented in a health institution. In this case, this measure may also last a maximum of two years. After six months has elapsed, the court shall reconsider whether this measure is still necessary."

Article 39

In paragraph 4 of Article 72, the word "sentence" shall be replaced by the word "extent".

Article 40

In Article 75, a new paragraph 5 shall be added to read as follows:

"(5) If proceeds of crime have been acquired by several persons acting together, their respective proportions of proceeds shall be confiscated; if these proportions cannot be precisely determined, they shall be determined by the court after consideration of all circumstances of the case."

Article 41

New Articles 77a, 77b and 77c shall be added after Article 77, to read as follows:

"Confiscation of property acquired through crime committed by a criminal organisation  
Article 77a

(1) Pursuant to the provisions of this chapter, proceeds or property from crime or related to crime that a criminal organisation has acquired or has at its disposal shall be confiscated.

(2) The property of an offender who has committed a criminal offence in a criminal organisation for which the court establishes that is derived from criminal activities in that criminal organisation shall also be confiscated as proceeds from crime.

#### Confiscation of property acquired through crime Article 77b

Pursuant to the provisions of this chapter, property that the offender or other persons whose property is confiscated use exclusively or mostly to their own benefit with the consent of persons to whom this property belongs, if these persons knew or should have known that the property was acquired through crime or that it was used to prepare, commit or conceal crime or that it was acquired with the intention of being used for crime, shall also be confiscated as property acquired through crime or related to crime.

#### Presumption of a gratuitous transfer Article 77c

(1) Irrespective of the legal basis regarding transfer, it is presumed that proceeds of crime or property subject to confiscation pursuant to the provisions of this chapter has been transferred gratuitously or for payment that does not correspond to its actual value if the offender or his close relatives (relationships referred to in Article 224 of this Code) have transferred it, directly or indirectly, to a company or other legal entity that is majority owned by them or in which they have the right to exercise a dominant influence or control.

(2) Proceeds of crime or property shall not be confiscated from the company or entity referred to in the preceding paragraph if the property or entity proves that it has paid its actual value.

#### Article 42

In paragraph 1 of Article 81, a comma and the wording "paid or enforced in any other way in accordance with the law" shall be added after the word "served", the word "imprisonment" shall be deleted, and the word "former" shall be added before the word "offender".

#### Article 43

In Article 82, a new paragraph 7 shall be added to read as follows:

"(7) A safety measure of compulsory psychiatric treatment and confinement in a health institution and compulsory psychiatric treatment at liberty that has been imposed independently shall be deleted within a period of three years from the time when it ceases to be implemented or its implementation is statute-barred."

## Article 44

Article 86 shall be amended to read as follows:

"Manner of enforcement of a prison sentence  
Article 86

(1) Convicted persons shall serve their prison sentence in prisons as provided by law. .

(2) Convicted persons shall be placed in prisons according to the degree to which their liberty should be restricted.

(3) A prison sentence of up to three years, except when imposed for a criminal offence against sexual integrity, may also be enforced so that a convict who meets the conditions provided by the law regulating the enforcement of criminal sanctions continues working or schooling and resides at home, except on work-free days, as a rule at weekends, when he must stay in prison. More detailed conditions regarding the enforcement of the sentence shall be defined by the prison.

(4) A prison sentence of up to nine months may also be served under house arrest if, considering the level of danger the convicted person represents, the possibility of the offence being repeated, and the personal, family and professional situation of the convicted person during the serving of the prison sentence, there is no need for serving the prison sentence in a prison or if the sentence must and can be served in an appropriate public institute due to the illness, disability or old age of the convicted person.

(5) While serving a prison sentence, a convicted person may not leave the building or a particular part of the building where he is under house arrest, except where exceptionally allowed by the court for a definite period of time when this is absolutely necessary for the convicted person to ensure vital necessities of life, medical assistance, or to perform work. The court may limit or prohibit a convicted person under house arrest from having any contacts with persons who do not live with him, do not give medical treatment to him or do not supply him, and define in more detail the conditions of house arrest.

(6) If a convicted person leaves the building or a particular part of the building of house arrest without the prior consent of the court or outside the allowed time, or if he fails to comply with restrictions or limitations on contact or other rules regarding house arrest imposed by the court, the court may decide, by way of a decision, that the convicted person should be sent back to prison to serve the remainder of the sentence there.

(7) A prison sentence of up to two years, except when imposed for a criminal offence against sexual integrity, may be enforced so that, instead of serving the prison sentence, the convicted person performs community service for a period of a maximum of two years from the enforcement of the judgment. The extent of work shall be defined so that one day in prison equals two hours of community service. The body responsible for the enforcement shall define the type of work so that it corresponds to the expertise and ability of the convicted person, and shall organise it so that it does not interfere with his family, professional and educational obligations. Community service shall be performed without compensation.

(8) When deciding on the enforcement of a prison sentence in a manner referred to in the preceding paragraph, the court shall take into account, in particular, the behaviour of the convicted person at the time of making the decision, the risk of the offence being repeated at liberty, the possibility of performing appropriate service and the convicted person's ability to perform it, and the personal and family situation of the convicted person during the serving of the prison sentence.

(9) If a convicted person needs help, supervision or protective supervision, the court may in its judgment, for the period in which community service is performed under the provisions of this Code on suspended sentence, order protective supervision, issue one or more instructions and appoint a supervisory official.

(10) If a convicted person fails, either fully or in part, to perform community service tasks or significantly fails to comply with instructions within protective supervision or avoids contact with the supervisory officer, or in any other way fails to comply with his community service obligations, the court shall decide, by way of a decision, that the imposed prison sentence be enforced so that it corresponds to the work not performed.

(11) The court shall decide on the admissibility of the enforcement of a prison sentence in accordance with the methods laid down in this Article on the proposal of the convicted person by way of a judgment imposing the prison sentence, or on the proposal of the convicted person by way of a special decision.

(12) For a convicted person who, pursuant to the Act governing the criminal procedure, pleads guilty when for the first time giving a statement on the indictment containing the proposal for the manner of the enforcement of the sentence in the case in question, or pleads guilty in the agreement concluded with the state prosecutor, the court shall decide on the admissibility of the enforcement of the prison sentence in accordance with the methods laid down in this Article in accordance with the proposal or the agreement.

#### Article 45

New paragraphs 4 and 5 shall be added to Article 87, to read as follows:

"(4) A fine of up to three hundred and sixty daily amounts may also be enforced in such a way that, instead of paying the fine, the convicted person performs community service without receiving compensation for a period of a maximum one year. The extent of service shall be defined so that one daily amount equals one hour of community service.

(5) As regards issues that are not regulated in the preceding paragraph, the provisions of paragraphs 7 to 12 of Article 86 of this Code shall be applied *mutatis mutandis*."

#### Article 46

In paragraph 7 of Article 88, the wording "on the proposal of the body" shall be replaced by the word "the body", and the word "the court" shall be deleted.

In paragraph 8, the word "the court" shall be replaced by the wording "the body responsible for granting and denying conditional release".

A new paragraph 9 shall be added to read as follows:

"(9) The provisions of this Article shall also apply to conditional release from house arrest. In assessing whether a convicted person should be conditionally released from house arrest, compliance with restrictions regarding house arrest shall be taken into account instead of the convicted person's behaviour during the serving of the sentence.

#### Article 47

Article 92 shall be amended to read as follows:

"The statute of limitations for the enforcement of a sentence  
Article 92

(1) Unless otherwise provided by this Code, the imposed sentence may not be enforced after a lapse of:

- 1) fifty years from the imposition of a prison sentence of thirty years, unless the offence does not fall under the statute of limitations;
- 2) thirty years from the imposition of a prison sentence of more than ten years;
- 3) twenty years from the imposition of a prison sentence of more than five years;
- 4) ten years from the imposition of a prison sentence of more than one year;
- 5) six years from the imposition of a prison sentence of up to one year or a fine."

#### Article 48

In paragraph 1 of Article 93, the wording "after a lapse of two years" shall be replaced by the wording "after a lapse of four years".

Paragraph 3 shall be amended to read as follows:

"(3) The implementation of the safety measures of compulsory psychiatric treatment and confinement in a health institution, compulsory psychiatric treatment at liberty, driving licence revocation and confiscation of items shall be statute-barred after a lapse of six years from the date when the final judgment imposing such measures becomes final."

#### Article 49

In point 3 of paragraph 1 of Article 99, the wording "or an authority of a self-governing local community or any other entity governed by public law" shall be added after the word "authority".

In point 4, the wording "(public authority)" shall be added after the word "by-law".

The second sentence of the sixth paragraph shall be deleted.

New paragraphs 10, 11 and 12 shall be added after paragraph 9, to read as follows:

"(10) For the purpose of this Code, "economic activity" means:

- 1) any activity that is performed on the market for payment;
- 2) any activity performed as part of profession for an agreed or prescribed payment or any organised activity performed for an agreed or prescribed payment.

(11) Pursuant to this Code, economic activity or commercial operation shall include:

- 1) implementation, governance, decision-making, representation, management and supervision within the framework of the activity referred to in paragraph 10 of this Article;
- 2) management of immovable and movable property, funds, income, claims, capital assets, other forms of financial assets, and other assets of legal entities governed by public or private law, the use of these assets and control over them.

(12) Under this Code, a large quantity of counterfeit money, stamps of value and securities shall be a nominal value exceeding EUR 50,000.

#### Article 50

In the twelfth indent of point 4 of Article 102, the comma after the word "conflict" shall be replaced by a semicolon. New thirteenth, fourteenth and fifteenth indents shall be added, which shall read as follows:

- "- employing poison or poisoned weapons;
- employing asphyxiating, poisonous or other gases, and all analogous liquids, materials or devices;
  - employing bullets which expand or flatten easily in the human body, such as bullets with a hard envelope which does not entirely cover the core or is pierced with incisions."

#### Article 51

Article 103 shall be amended to read as follows:

#### "Aggression Article 103

(1) An official or other person in a position effectively to exercise control over or to direct the political or military action of the state, who plans, prepares, initiates or executes an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations, shall be sentenced to at least fifteen years in prison.

(2) An act of aggression means the use of armed force against the sovereignty, territorial integrity or political independence of another state, or in any other manner inconsistent with the Charter of the United Nations. Any of the following acts, regardless of a declaration of war, shall qualify as an act of aggression:

- 1) invasion of or an armed attack on the territory, sea, aircrafts, ports or vessels of another state, or any military occupation, temporary or permanent, or any annexation by the use of force of the territory of another state or part thereof;
- 2) bombardment of or the use of any weapons against the territory of another state;
- 3) blockade of the ports or coasts of another state;
- 4) the use of armed forces of one state which are within the territory of another state with the agreement of the receiving state, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;

- 5) the action of the Republic of Slovenia in allowing its territory, which it has placed at the disposal of another state, to be used by that other state for perpetrating an act of aggression against a third state;
- 6) the sending of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force of such gravity as to amount to the acts listed above.

#### Article 52

In the third indent of paragraph 1 of Article 108, the wording "secured platforms in the continental shelf" shall be deleted.

A new fourth indent shall be inserted after the third indent, to read as follows:

"- the acquisition or takeover of control of a secured platform in the continental shelf with the use of force or a threat or any other form of intimidation, or violent behaviour towards a person on the platform, if such behaviour poses a threat to this person's safety, or the destruction of the secured platform in the continental shelf or causing any damage to it that may endanger safety on the platform, or the installation of a device in order to destroy the secured platform or endanger safety on it, or injuring or causing death to a person in connection with any of the aforementioned acts;"

The current fourth indent, which shall become the fifth indent, shall be amended to read as follows:

"- hijacking of an aircraft, ship, means of freight transport or means of public transport;"

The current fifth to eighth indents shall become the sixth to ninth indents.

In paragraph 3, the wording "or making available" shall be added after the word "obtaining", and the word "material" shall be added after the word "required".

#### Article 53

The amendments to paragraphs 1 and 2 of Article 110 in the Slovenian text do not apply to the English translation.

#### Article 54

In paragraph 1 of Article 113, a comma and the wording "committing criminal offences" shall be added after the word "service"; the wording "or recruits, exchanges or transfers control over this person" shall be added after the wording "uses them in any other way"; a comma and the wording "regardless of possible consent by this person" shall be added after the word "shall".

In paragraph 2, the wording "or by giving or taking payments or benefits in order to obtain the consent of a person who exercises control over another person" shall be added after the word "position".

#### Article 55

The amendment to paragraph 2 of the Article 115 in the Slovenian text does not apply to the English translation.

Article 56

In paragraph 3 of Article 120, the words "manslaughter or" shall be added after the word "for".

Article 57

In the heading of Article 125, the word "consent" shall be replaced by the word "agreement".

Paragraph 4 shall be deleted.

Article 58

Article 135 shall be amended to read as follows:

"Threat  
Article 135

(1) Whoever seriously threatens another person, with the intention of intimidating or upsetting this person, with an attack on his life or limb or his liberty, or threatens to destroy his property of substantial value or commit any of these acts against a person close to him, shall be punished by a fine or sentenced to up to six months in prison.

(2) Whoever commits the act referred to in the preceding paragraph against two or more persons either by ill-treatment or by means of a weapon, dangerous tool or any other instrument, capable of causing serious bodily harm or grave damage to health, shall be punished by a fine or sentenced to up to one year in prison.

(3) The prosecution for the offence under paragraph 1 of this Article shall be initiated on a private action.

(4) The prosecution for the offence under paragraph 2 of this Article shall be initiated upon a motion."

Article 59

A new Article 135a shall be added after Article 135 to read as follows:

"Torture  
Article 135a

(1) Whoever intentionally causes severe pain or suffering to another person, either physical or mental, in order to obtain information or a confession from him or a third person, punish him for an act committed by himself or a third person, or which is suspected as having been committed by him or a third person, to intimidate him or put him under pressure or intimidate a third person or put such person under pressure or for whichever reason which is based on any form of violating equality, shall be sentenced to between one and ten years in prison.

(2) If the pain or suffering referred to in the preceding paragraph is caused or inflicted by an official or any other person with official status or authorisation, or on his or her initiative or with his or her expressed or tacit consent, he or she shall be sentenced to between three and twelve years in prison."

#### Article 60

In paragraph 3 of Article 137, the wording "or attempted" shall be deleted.

#### Article 61

In paragraph 2 of Article 138, the wording "or attempts to commit" shall be deleted.

#### Article 62

Paragraph 1 of Article 143 shall be amended to read as follows:

"(1) Whoever publishes or causes to be published personal data processed on the basis of the law or the personal consent of the individual to whom the personal data relate without any basis in law or without the personal consent of the individual shall be punished by a fine or sentenced to up to one year in prison."

In paragraph 3, the wording "or otherwise publishes" shall be added after the word "Web".

The paragraph 4 shall be amended to read as follows:

"(4) Whoever assumes the identity of another person or, by processing his or her personal data, exploits his or her rights, gains proceeds or non-pecuniary benefits or adversely affects his or her personal dignity shall be sentenced to between three months and three years in prison."

A new paragraph 5 shall be added after paragraph 4 to read as follows:

"(5) Whoever commits the offence referred to in paragraph 1 of this Article by publishing or causing to be published sensitive personal data shall be sentenced to up to two years in prison."

The current paragraph 5 shall be renumbered as paragraph 6.

In the current paragraph 6, which shall become paragraph 7, the figure "3" shall be replaced by the figure "4".

#### Article 63

In paragraph 1 of Article 148, the wording "with the purpose to sell" shall be deleted.

A new paragraph 5 shall be added to reads as follows:

"(5) In establishing asset value under the provisions of this Article and Article 149 of this Code, benefit derived from using material copyright without authorisation or from reproducing, distributing, leasing rights related to copyright or making them available to the public without authorisation shall be taken into account."

## Article 64

In paragraph 2 of Article 158, paragraph 2 of Article 159, paragraph 2 of Article 160, paragraph 2 of Article 161, paragraph 2 of Article 162, and in Article 169, the wording "or on websites" shall be added after the word "information".

## Article 65

In paragraph 1 of Article 166, the wording "unless it concerned a live broadcast of a show and the responsible editor or the person acting in his place could not prevent these acts" shall be replaced by the wording "under one of the following conditions":

- 1) the author remains unknown until the end of the main hearing before the court of first instance;
- 2) the information is published without the author's consent;
- 3) there were material or legal impediments to the prosecution of the author at the time when the information was published, which are still ongoing.

In paragraph 2, the wording "in the same manner" shall be replaced by the wording "under conditions referred to in the preceding paragraph in the same manner".

A new paragraph 3 shall be added after paragraph 2 to read as follows:

"(3) The responsible editor or the person acting in his place shall not be punished for committing the act referred to in paragraph 1 of this Article if it concerned a live broadcast of a show and he could not prevent it or if it concerned publication on websites that enable users to publish content in real time or without prior inspection."

## Article 66

In paragraph 1 of Article 170 the wording "to sexual intercourse with him« shall be replaced with the wording »to sexual intercourse or sexual conduct equal to sexual intercourse".

In paragraph 3 the wording "or to sexual conduct equal to sexual intercourse" shall be inserted after the wording "to sexual intercourse".

## Article 67

In paragraph 2 of Article 173, a comma and the wording "or, by acting in this way, commits the aforementioned offence against another person" shall be added after the word "limb".

In paragraph 3, the wording "give medical treatment" shall be added after the word "educate".

A new paragraph 5 shall be added to reads as follows:

"(5) The act referred to in paragraph 1 of this Article shall not be illegal if it is committed with a person of comparable age and if it corresponds to the mental and physical maturity of this person."

Article 68

Article 173 shall be followed by a new Article 173a to read as follows:

"Solicitation of persons under fifteen years of age for sexual purposes  
Article 173a

(1) Whoever proposes, by using information and communication technologies, a meeting to a person under fifteen years of age for the purpose of committing a criminal offence referred to in paragraph 1 of Article 173 or producing pictures or audiovisual or other items of a pornographic or other sexual nature, and where this proposal has been followed by material acts leading to such a meeting, shall be sentenced to up to one year in prison.

(2) The act referred to in the preceding paragraph shall not be illegal if it is committed for the purposes of committing the act referred to in paragraph 1 of Article 173 and under conditions referred to in paragraph 5 of Article 173 of this Code."

Article 69

Paragraph 2 of Article 175 shall be amended to read as follows:

"(2) Whoever participates, for purpose of exploitation, in the prostitution of a minor, or exploits the prostitution of a minor, or whoever instructs, obtains or encourages a minor to prostitution by force, threat, deception, recruitment or solicitation shall be sentenced to between one and ten years in prison."

A new paragraph 3 shall be inserted to read as follows:

"(3) If the offences referred to in paragraphs 1 or 2 of this Article were committed against several persons or within a criminal association, the perpetrator shall be sentenced to between one and twelve years in prison."

Article 70

In paragraph 1 of Article 176, the word "shows" shall be replaced by the word "presents".

Paragraphs 2 and 3 shall be amended to read as follows:

"(2) Whoever, by force, threat, deception, exceeding or abusing powers, recruitment or solicitation, or for purpose of exploitation, instructs, obtains or encourages a minor to produce pictures, audiovisuals or other items of a pornographic or other sexual nature, or uses them in a pornographic or other sexual performance or is knowingly present at such performance, shall be sentenced to between six months and eight years in prison.

(3) The same punishment as referred to in the preceding paragraph shall be imposed on whoever, for himself or any third person, produces, distributes, sells, imports, exports pornographic or other sexual material depicting minors or their realistic images, or supplies it in any other way, or possesses such material, or obtains access to such material by means of information and communication technologies, or discloses the identity of a minor in such material."

Article 71

The text of Article 178 shall become paragraph 1 of this Article.

A new paragraph 2 shall be inserted to read as follows:

"(2) The act referred to in the preceding paragraph shall not be unlawful if the physician withdraws a method of treatment, surgery or medical procedure at the explicit written request of the patient or other person who is able to make a decision about himself and also refuses help after being informed about the necessity of treatment and possible consequences of refusing it, and also after the physician has again tried to persuade such a person to change his decision."

Article 72

In point (a) of paragraph 2 of Article 179, the word "who" shall be followed by a comma and the words "owing to negligence,".

Article 73

In paragraph 4 of Article 181, the wording "prior consent" shall be replaced by "prior statutory consent".

Article 74

In paragraph 1 of Article 186, the wording "with a view to resell them" shall be replaced by "with a view to reselling and placing them on the market".

In paragraph 2, after the wording "drugs", a comma shall be inserted and the wording "or doping in sport,".

In paragraph 3, the word "and" shall be replaced by the word "or".

Paragraph 5 shall be amended to read as follows:

"(5) Illicit drugs or doping in sport, and the means of their manufacture, shall be seized. The means of transport used for the transport and storage of drugs or doping in sport shall be seized if they have a specially adapted space for the transport and storage of doping in sport or other drugs, or if their owner knew or should have known that they would be used for such a purpose."

Article 75

In Article 187, a new paragraph 4 shall be inserted to read as follows:

" (4) The act referred to in paragraphs 1 and 2 shall not be unlawful if the perpetrator acts in accordance with the programme for addiction treatment or supervised use of drugs, which is approved in accordance with the law and carried out within or under the supervision of public health care."

Article 76

Paragraph 2 of Article 189 shall be deleted.

#### Article 77

Article 192 shall be amended to read as follows:

"Neglect and maltreatment of minors

Article 192

(1) A parent, guardian, foster parent or other person who seriously breaches his obligations to a minor shall be sentenced to up to three years in prison.

(2) A parent, guardian, foster parent or other person who forces a minor to work excessively, or to perform work unsuitable for his age or give up his work, or who out of greed inures a minor to begging or other conduct prejudicial to his proper development, or who maltreats or tortures him shall be sentenced to up to five years in prison."

#### Article 78

Article 199 shall be amended to read as follows:

"Undeclared employment

Article 199

(1) Whoever contrary to regulations employs two or more workers and does not register them for the appropriate insurance, or employs several foreigners or persons without citizenship without suitable work permits shall be punished by a fine or a prison sentence of up to one year.

(2) Whoever consequently or permanently or in substantial number employs foreigners who are not EU citizens and illegally reside in the territory of the Republic of Slovenia shall be sentenced to up to two years in prison.

(3) If the offence referred to in paragraph 1 or 2 of this Article was committed by employing workers, who are not qualified to perform works that require special authorisations, or by interfering with the physical or mental integrity of an individual, or under particularly exploitative working conditions, or by the exploitation of the victim of human trafficking, or by employing a minor, the perpetrator shall be sentenced to up to three years in prison."

#### Article 79

The amendment to paragraph 1 of Article 209 in the Slovenian text does not apply to the English translation.

In paragraph 2, the word "Article" shall be replaced by the word "paragraph".

#### Article 80

Article 212 shall be amended to read as follows:

"Organising Money Chains and Illegal Gambling  
Article 212

(1) Whoever organises, participates in, or helps organise or perform money chains where participants pay certain amounts of money to organisers or other participants who are already included in the game or activity, and expect certain amounts of money to be paid by the participants who are to join such a game or activity after them, shall be sentenced to up to three years in prison.

(2) The same punishment shall be imposed on whoever, with the intention of acquiring an unlawful proceeds for himself or a third person, organises, participates or helps in organising games of chance which were not issued an authorisation or concession by a competent authority.

(3) If a major property benefit has been gained by himself or by a third person by committing the offences referred to in the above paragraphs, or major damage to property has been caused to a third person, the perpetrator shall be sentenced to up to five years in prison.

(4) If substantial proceeds of crime has been gained by himself or by a third person by committing the offences referred to in paragraph 1 or 2, or significant damage to property has been caused to a third person, the perpetrator shall be sentenced to between one and eight years in prison.

Article 81

In paragraph 1 of Article 221, the wording "without authorisation enters or" shall be inserted after the word "whoever".

Article 82

The amendments to paragraph 1 of Article 223 in the Slovenian text shall not apply to the translated text.

Article 83

The heading of Article 225 shall be amended to read as follows: "Unlawful restriction of competition".

The existing text shall become paragraph 1 of this Article.

A new paragraph 2 shall be inserted to read as follows:

"(2) The perpetrator who violated the prohibition of restricting agreements referred to in the preceding paragraph and had declared such an offence before it was detected or he knew it had been detected and took part in its investigation and the elimination of consequences and neither compelled others to take part in the restriction of competition nor forced them to continue taking part in the restriction, may be granted a remission of the sentence."

Article 84

Article 226 shall be amended to read as follows:

"Causing bankruptcy by fraud or careless operations  
Article 226

(1) Whoever, with the intention of not paying what he is obliged to pay, apparently or actually worsens his own or a third person's financial circumstances, thus causing bankruptcy, or whoever, with the same intention, causes the fulfilment of conditions for the deletion of a company from the court register, *ex officio* without liquidation, by:

- 1) the apparent sale, disposal without charge or at extremely low price, or destruction of the property or a part thereof which belongs to the bankrupt estate;
- 2) the conclusion of a false agreement on debt or the concession of a false claim;
- 3) concealing, destroying or falsifying business books and documents or keeping them in such a manner which renders the identification of the actual financial position or solvency impossible;
- 4) in a fraudulent way, causes the initiation of the bankruptcy procedure or the procedure for the deletion of the company from the court register, *ex officio* without liquidation, shall be sentenced to between six months and five years in prison.

(2) Whoever knows that himself or any other person as payer is unable to pay, but irrationally spends funds, becomes over-indebted, concludes detrimental contracts, performs the free, fictitious or discounted transfer of property to other persons, or reduces in some other way the value of his property, or the property or the company he manages, or omits the timely insurance or the enforcement of claims, or otherwise evidently violates his duties in the governing of an economic activity or financial operations, thus causing long-term financial insolvency or over-indebtedness, which results in a bankruptcy or the fulfilment of conditions for the deletion of the company from the court register, *ex officio* without liquidation, and a major damage to property, shall be sentenced to up to five years in prison.

(3) If the offences under the above paragraphs have resulted in significant damage to property, the perpetrator shall be sentenced to between one and eight years in prison."

Article 85

In the heading of Article 229, the words "European Communities" shall be replaced by "European Union".

In paragraph 1, the wording "European Communities or of the budgets managed by the European Communities" shall be replaced by "the European Union or of the budgets managed by the European Union."

Article 86

The heading of Article 230 shall be amended so as to read "Loan and benefit fraud".

In paragraph 1, the words "or grant" shall be inserted after the words "to approve".

Paragraph 2 shall be amended to read as follows:

"(2) Whoever deceives the person who has approved or granted the loan or benefit referred to in the preceding paragraph about the purpose of its use or conceals to this person that the loan or benefit has been used for purposes other than those approved for or agreed upon, shall be punished by a fine or a prison sentence of up to two years."

#### Article 87

In paragraph 1 of Article 231, the words "in trading" shall be replaced by the words "because of trading".

#### Article 88

In Article 236, a new paragraph 5 shall be inserted, reading as follows:

"(5) Documents and data that are, by law, statute, rules or any general legal act or an order issued by the competent authority or other authorised person, classified as industrial, banking or other commercial secret and are of such relevance that their disclosure evidently caused or would cause major harmful consequences shall be deemed a trade secret."

#### Article 89

The heading of Article 237 shall be amended to read as follows: "Information system abuse".

Paragraph 1 shall be amended to read as follows:

"(1) Whoever, in the performance of business operations, illegally enters or breaks into an information system, or illegally uses it by applying, altering, copying, transmitting or destroying, or inserts into the information system any data, or obstructs data transmission or information system operation, or illegally intercepts data during a non-public transmission into or from the information system in order to either procure unlawful proceeds for himself or a third person or cause damage to the property of another, shall be sentenced to up to three years in prison."

#### Article 90

Paragraph 1 of Article 240 shall be amended to read as follows:

(1) Whoever in the performance of an economic activity and with a view to procuring an unlawful property benefit for himself or for a third person, or to causing damage to the property of another, abuses his position or the trust placed in him, acts beyond the limits of the rights or fails to perform his duties under the law, other regulation, act of a legal person or of legal transaction concerning the disposal of another's property or benefits, their management or representation, shall be sentenced to up to five years in prison."

In paragraph 3, the words "one year" shall be replaced by the words "two years".

#### Article 91

In paragraph 3 of Article 243, the word "quantity" shall be followed by the wording "or a high property value".

#### Article 92

Article 246 shall be amended to read as follows:

#### "Abuse of non-cash means of payment Article 246

(1) Whoever, by the abuse of a cheque, credit or debit card, or any other non-cash means of payment that he is entitled to use, obliges the bank or other issuer, in contravention of the agreement on the use of this means, to pay the amount which he knows is not covered by funds in his account, thereby acquiring a property benefit, shall be sentenced to up to two years in prison.

(2) If a major property benefit has been gained through the offence referred to in the preceding paragraph, the perpetrator shall be sentenced to up to five years in prison.

(3) If a substantial property benefit has been gained through the offence referred to in paragraph 1 of this Article, the perpetrator shall be sentenced to between one and eight years in prison.

(4) The prosecution of the offence under paragraph 1 of this Article shall be initiated upon the motion."

#### Article 93

The heading of Article 247 shall be amended to read as follows: "Use of counterfeit non-cash means of payment".

In paragraph 1, both instances of the word "bank" shall be replaced by the word "payment".

In paragraph 2, the wording "which enables the gaining of" shall be replaced by the wording "or another non-cash means of payment and gains" and the words "for card" shall be replaced by the wording "for the recognition of a card or any other non-cash means of payment."

#### Article 94

In paragraph 1 of Article 248, the words "keeps, transfers," shall be inserted after the word "fabricates", and the words "bank or credit cards" shall be replaced by the wording "credit, debit or other cards or other non-cash means of payment".

#### Article 95

In paragraph 1 of Article 249, the word "major" shall be replaced by the word "substantial" and the wording "for not less than six months and not more than three years" by the wording "of between one and eight years".

In paragraph 2, the word "major" shall be replaced by the word "substantial".

In paragraph 3, the wording "or keep" shall be inserted after the word "provide" and the wording "for not less than one and not more than" shall be replaced by the wording "to up to".

Paragraph 4 shall be deleted.

The current paragraph 5 shall be renumbered as paragraph 4.

#### Article 96

In paragraph 1 of Article 250, the word "Community" shall be replaced by the word "Union".

In paragraph 2, the wording "of high property benefit" shall be deleted, the word "Community" shall be replaced by the word "Union", and the wording "the sale of such goods" shall be followed by the wording "that in total create a high property value,".

In paragraphs 3 and 5, the word "Community" shall be replaced by the word "Union".

Paragraph 6 shall be followed by a new paragraph 7 to read as follows:

"(7) The value of goods under this Article shall be determined according to its marketing value in the territory of the Republic of Slovenia."

The current paragraph 7 shall be renumbered as paragraph 8.

#### Article 97

In paragraph 1 of Article 252, the wording "under the preceding Article " shall be replaced by the wording "under paragraph 1" and followed by the wording "and the punishment under paragraph 3 of the preceding Article for forging the document referred to in paragraph 3 of the preceding Article".

In paragraph 2, the wording "to the same extent" shall be replaced by the wording "in accordance with paragraph 3 of the preceding Article".

#### Article 98

The heading of Chapter Twenty-Six shall be amended as follows:  
"CRIMINAL OFFENCES AGAINST OFFICIAL DUTIES, PUBLIC AUTHORISATIONS AND PUBLIC FUNDS".

#### Article 99

Article 257 shall be followed by a new Article 257a to read as follows:

"Article 257a  
Causing damage to public funds

(1) An official, a public officer, or any other person authorised by the user of public funds, who by orders, acquisition, management and disposal of these funds knowingly violates regulations, fails to exercise due supervision or otherwise causes or enables illegal and ineligible use of public funds even though he predicts or should and could predict that such conduct might cause a major property damage to public funds and such damage actually occurs, shall be punished by a fine and a prison sentence of between three months and five years.

(2) If the offence referred to in the preceding paragraph has resulted in substantial damage to property, the perpetrator shall be punished by a fine and a prison sentence of between one and eight years.

(3) A user of public funds under this Article shall be a legal person under public law or its unit, or a legal person under private law or a private person, who by means of private funds or at their expense provides public service or other activities in the public interest, or provides public goods on the basis of a concession or other exclusive or special right.

(4) Public funds under this Article shall mean immovable and movable property, cash, accounts receivable, equity investments, and other forms of financial assets of the state, self-governing local community, the European Union or other legal person under public law."

Article 100

In Article 258, the wording "An official" shall be followed by the wording "or a civil servant" and the wording "one year" replaced by "three years".

Article 101

In paragraph 3 of Article 260, the wording "or with a view to publishing or using the information concerned abroad," shall be deleted.

Article 102

The amendment to paragraph 2 of Article 262 in the Slovenian text does not apply to the existing English translation.

The full stop at the end of the wording of paragraph 3 shall be replaced by a comma and the wording "provided this is not in contravention of the rules of international law." shall be inserted.

Article 103

Article 265 shall be deleted.

## Article 104

In paragraph 1 of Article 286 the wording "during the parliamentary investigation" shall be followed by the wording "or during the procedure before the Commission for the Prevention of Corruption, or whoever, with the intention of influencing the collection of information in pre-trial proceedings".

## Article 105

In paragraph 1 of Article 287, the wording "during a parliamentary investigation" shall be followed by the wording "during a procedure before the Commission for the Prevention of Corruption".

In paragraph 2, the word "child" shall be replaced by the word "minor".

A new paragraph 4 shall be inserted to read as follows:

"(4) The same sentence as that referred to in the preceding paragraph shall be imposed on a person who reveals the identity of a protected person reporting the corruption if such a disclosure has serious consequences for the reporting person."

The current paragraph 4 shall be renumbered as paragraph 5 and amended to read as follows:

"(5) If the offence referred to in paragraph 3 or 4 of this Article has been committed by an official, he shall be sentenced to up to five years in prison."

## Article 106

In paragraph 1 of Article 293 the wording "a detained person," shall be followed by the wording "or a person on whom a safety measure of compulsory psychiatric treatment and care in a healthcare institution was imposed,".

## Article 107

Paragraph 1 of Article 297 shall be amended to read as follows:

"(1) Whoever publicly provokes or stirs up hatred, violence or intolerance in respect of nationality, race, religion, ethnicity, gender, skin colour, origin, financial situation, education, social position, political or other beliefs, disability, sexual orientation, or any other personal circumstance, and commits the offence in a manner that can jeopardise or disturb public law and order, or uses force or threat, verbal abuse or insult shall be sentenced to up to two years in prison."

In paragraph 2, the word "who" shall be followed by a comma and the wording "in the manner referred to in the preceding paragraph,"; the word "disregards" shall be replaced by the word "justifies" and at the end of the sentence the full stop shall be replaced by a comma and the text "as they are defined in the legal system of the Republic of Slovenia." shall be inserted.

Paragraph 3 shall be amended to read as follows:

"(3) If the offence referred to in the preceding paragraphs has been committed by publication in mass media or on the websites, the editor or the person acting as the editor shall be imposed the sentence referred to in paragraph 1 or 2 of this Article,

except if this was a live broadcast of a show that he could not prevent or a publication on websites that enable users to publish content in real time or without prior review."

In paragraph 4, the wording "desecration of" shall be followed by the word "ethnic".

In paragraph 6, the word "paragraph 1" shall be replaced by the words "paragraphs 1 and 2".

#### Article 108

In paragraph 1 of Article 299, the word "prevents" shall be followed by the words "or attempts to prevent".

In paragraph 2, the word "Article" shall be followed by the word "seriously".

In paragraph 3, the words "paragraphs 1 or 3" shall be replaced by the words "paragraph 1 or 2".

#### Article 109

Paragraph 1 of Article 307 shall be amended to read as follows:

"(1) Whoever unlawfully assembles, manufactures, offers, sells, barter, delivers, imports, exports, enters or takes out of the country firearms, chemical, biological or nuclear weapon, ammunition or explosive materials or military weapons and equipment, which individuals, legal persons and entrepreneurs are prohibited or restricted from trading, purchase or possess, or whoever intermediates therein, or unlawfully acquires or keeps such weapons, ammunition or explosive materials, except for the firearms for which weapons certificate may be issued, shall be sentenced to between six months and five years in prison."

In paragraph 3, the wording "such a firearm" shall be followed by the wording "or if the perpetrator, with the purpose to illegally sell, acquires or keeps firearms or ammunition for which a weapon certificate may be issued or if he keeps them in a large quantity or high value,".

Paragraph 5 shall be amended to read as follows:

"(5) Whoever unlawfully manufactures, acquires, offers, sells, barter, sends, delivers, imports, exports, enters or takes out of the country composite or spare parts of firearms, ammunition, explosive materials, explosive devices and explosive weapons, or military weapons and military equipment, a substance, ingredients, software or technology, of which he is aware to be used for the manufacture or operation of the items referred to in the preceding paragraphs, and keeps them for such a purpose or intermediates therein, shall be sentenced to up to five years in prison."

#### Article 110

In paragraph 3 of Article 308, the wording "a group of" shall be deleted.

In paragraph 4, the wording ", by abusing his official position or rights," shall be deleted.

Paragraphs 5 and 6 shall be amended to read as follows:

"(5) Whoever gains over or collects people with a view of illegal transfer, provides them with forged documents or transportation, or organises illegal transfer in any other way, or organises transfer by deceiving the competent authorities about their real purpose of entering the territory of the Republic of Slovenia, shall be punished by a fine and a prison sentence of up to five years.

(6) If the perpetrator gains a disproportionate property benefit for himself or a third person by committing the offences referred to in paragraph 3, 4 or 5 of this Article, or if he acquires a work force without rights, or poses a threat to human life or health, or commits such acts as a member of a criminal association, he shall be punished by a fine and a prison sentence of between one to eight years.

#### Article 111

Article 316 shall be deleted.

#### Article 112

In Article 323, a new paragraph 3 shall be inserted to read as follows:

"(3) The motor vehicle with which the offence referred to in paragraph 1 or 2 of this Article was committed shall be taken from the perpetrator who had no right to drive the vehicle. A motor vehicle that belongs to another person shall be taken if that person has made possible, let or allowed the vehicle to be driven by the perpetrator and if he knew or should have known that the perpetrator had no right to drive."

#### Article 113

Article 324 shall be amended to read as follows:

#### "Dangerous driving in road traffic Article 324

(1) A driver of a motor vehicle who endangers the life or body of another person in the road traffic

- 1) by driving under the influence of alcohol with more than 1.10 grams of alcohol per kilogram of blood, or more than 0.52 milligrams of alcohol per litre of exhaled air, or drives under the influence of illicit drugs, psychoactive medicines or other psychoactive substances, or
- 2) by exceeding the posted speed limit by more than 30 km/h in a pedestrian zone, in the slow traffic zone or in the limited speed zone, or by exceeding the posted speed limit by more than 50 km/h on the road, or
- 3) by audacious or careless driving or by driving a motor vehicle that he has no right to drive, whereby:
  - he fails to comply with the rules on overtaking, priority or safe distance, or
  - on a road with two or more marked driving lanes for driving in one direction, drives on the road surface intended for driving in the opposite direction, makes turns or drives backwards or attempts to drive in such a manner, or
  - fails to adapt his driving speed on blind road sections, in crossroads, in front of or next to zebra crossings, bicycle lanes or passages, level crossings,

shall be punished by a fine or a prison sentence of up to three years.

(2) If the offence referred to in the preceding paragraph is committed through negligence, the perpetrator shall be punished by a fine or a prison sentence of up to one year.

(3) If the offence referred to in paragraph 1 or 2 of this Article results in a traffic accident causing a minor bodily injury to one or more persons, the perpetrator shall be punished by a fine or a prison sentence of between three months and three years and a ban on driving a motor vehicle for the offence referred to in paragraph 1, and by a fine or a sentence prison of up to two years for the offence referred to in paragraph 2 of this Article.

(4) If the offence referred to in paragraph 1 results in a traffic accident causing a serious bodily injury to one or more persons, the perpetrator shall be sentenced to up to five years in prison and banned from driving a motor vehicle.

(5) If the offence referred to in paragraph 1 of this Article results in a traffic accident causing the death of one or more persons, the perpetrator shall be sentenced to between one and twelve years in prison and banned from driving a motor vehicle.

(6) The motor vehicle with which the offence referred to in paragraph 1, 2, 3, 4 or 5 of this Article was committed shall be taken from the perpetrator who had no right to drive the vehicle. A motor vehicle that belongs to another person shall be taken if that person has made possible, let or allowed the vehicle to be driven by the perpetrator and if he knew or should have known that the perpetrator had no right to drive.".

#### Article 114

Article 329 shall be amended to read as follows:

#### "Hijacking aircraft or vessel Article 329

Whoever, by force or serious threat of force, takes over command of an aircraft during a flight, or of a vessel at sea, shall be sentenced to between one and fifteen years in prison.

#### Article 115

Article 330 shall be amended to read as follows:

#### "Putting air traffic in jeopardy Article 330

(1) Whoever endangers the safety of an aircraft by placing or bringing explosives or other similar devices aboard, by damaging or destroying navigational instruments, by causing other damage to the aircraft, or by giving false information regarding the flight, or whoever by attacking the crew of an aircraft limits or reduces the capability of the crew to perform their duties, or by violating safety instructions which are visibly marked or communicated to the passengers by the captain of the aircraft or other members of the crew, shall be sentenced to between one and ten years in prison.

(2) The same punishment shall be imposed on whoever, by use of force or threat of force, coerces the personnel of an airport to discontinue operations concerning the flight schedule, or whoever, by means of explosive or other similar devices or substances, destroys or damages an aircraft or installations designed to secure the safety of air traffic, thus endangering the safety of the airport.

(3) If the offence referred to in paragraph 1 or 2 of this Article entails the death of one or more persons, or the destruction of an aircraft or airport, the perpetrator shall be sentenced to between three and fifteen years in prison.

#### Article 116

Article 332 shall be amended to read as follows:

#### "Burdening and destruction of environment Article 332

(1) Whoever breaches regulations by:

- 1) means of discharges, emissions or intakes of quantities of substances or ionising radiation into the air, soil or water, endangering the life of one or more persons or causing the danger of serious bodily injury or actual damage to the quality of air, soil or water or to animals or plants;
- 2) collecting, transporting, processing or removing waste so as to endanger the life of one or more persons or cause the danger of serious bodily injury or actual damage to the quality of air, soil or water or to animals or plants;
- 3) shipping substantial quantities of waste by one or several shipments that seem to be related, under point 35 of Article 2 of Regulation (EC) of the European Parliament and of the Council of 14 June 2006 on shipments of waste;
- 4) managing a plant where a dangerous activity takes place or dangerous substances or preparations are stored, which in the area outside of the plant may cause death of one or more persons or serious bodily injury or actual damage to the quality of air, soil or water or animals and plants;
- 5) causing a danger of substantial degradation of habitat within the protected area;
- 6) producing, exporting, importing, placing on the market or using substances which cause ozone layer depletion;

shall be sentenced to up to five years in prison.

(2) If the offence referred to in point 1), 2), 4) or 5) of the preceding paragraph entails a serious bodily injury or substantial damage to the quality of air, soil or water, or animals, or plants, the perpetrator shall be sentenced to up to eight years in prison.

(4) If the offence referred to in point 1), 2) or 4) of paragraph 1 of this Article entails the death of one or more persons, the perpetrator shall be sentenced to between one and twelve years in prison.

(4) If the offence is committed through negligence, the perpetrator shall be punished by a fine or a prison sentence of up to two years for the offence referred to in paragraph 1 of this Article, by a prison sentence of up to three years for the offence referred to in paragraph 2 of this Article and by a prison sentence of between one and eight years for the offence referred to in paragraph 3 of this Article.

(5) If the offence referred to in paragraph 1, 2 or 3 of this Article was committed within a criminal association for the commission of such criminal offences, the perpetrator shall be sentenced to between one and twelve years in prison."

Article 117

Article 333 shall be amended to read as follows:

"Pollution of sea or waters from vessels  
Article 333

(1) Whoever breaches regulations by releasing from a vessel oil, chemicals or other pollutants into the sea, lake or river waters, thus polluting the sea, waters or shores, shall be sentenced to up to five years in prison.

(2) The same punishment shall be imposed for pollution caused by repetitive releases of smaller quantities which, in an isolated case do not result in the deterioration of the quality of sea, lake or river waters but do so if releases are repetitive.

(3) If the offence referred to in paragraph 1 or 2 of this Article causes the impairment of human health, or irreparable damage to, or the destruction of waters or shoreline, animals or plants, the perpetrator shall be sentenced to between one and ten years in prison.

(4) If the offence referred to in paragraph 1 or 2 of this Article results in the death of one or more persons, the perpetrator shall be sentenced to between three and twelve years in prison.

(5) If the offence is committed through negligence, the perpetrator shall be sentenced to up to three years in prison for the offence referred to paragraph 1 or 2 of this Article, to between six months and five years in prison for the offence referred to in paragraph 3 of this Article and to between one and eight years for the offence referred to in paragraph 4 of this Article.

(6) If the offence referred to in paragraph 1, 2, 3 or 4 of this Article was committed within a criminal association for the commission of such criminal offences, the perpetrator shall be sentenced to between one and twelve years in prison.

Article 118

Article 334 shall be amended to read as follows:

"Unlawful management of nuclear and other hazardous radioactive substances  
Article 334

(1) Whoever breaches regulations or technical rules concerning safety measures by receiving, possessing, utilising, transferring, modifying, dumping, disposing, making acquisition possible, expanding, producing, processing, storing, transporting, importing, exporting or removing nuclear or other hazardous radioactive substances, which could cause death or serious bodily injury or considerable property damage or substantial damage to the environment, shall be sentenced to up to five years in prison.

(2) If the offence referred to in the preceding paragraph causes a serious bodily injury, considerable damage to property, or substantial damage to the

environment, the perpetrator shall be sentenced to between six months and eight years in prison.

(3) If the offence referred to in paragraph 1 of this Article entails the death of one or more persons, the perpetrator shall be sentenced to between one and twelve years in prison.

(4) Whoever acquires nuclear substances by means of larceny, robbery, misappropriation, embezzlement, fraud, abuse of position or authority, threat or the use of force, or other method of intimidation, shall be sentenced to between one and ten years in prison.

(5) Whoever by targeting or interfering with the operation of a nuclear facility causes a serious bodily injury to or the death of one or more persons, or significant damage to property or the environment, as a result of exposure to radiation or the release of radioactive substances, or whoever causes a risk of the aforementioned consequences occurring, shall be sentenced to between one and fifteen years in prison.

(6) Whoever threatens to use nuclear substances with the intention to cause serious bodily injury to or the death of one or more persons, significant damage to property or the environment, or to commit the offence referred to in paragraph 4 or 5 of this Article in order to compel a natural or legal person to carry out or abstain from carrying out any act, shall be sentenced to up to fifteen years in prison.

(7) If the offence is committed through negligence, the perpetrator shall be sentenced to up to three years in prison for the offence referred to paragraph 1 of this Article, to between six months and five years in prison for the offence referred to in paragraph 2 of this Article and to between one and eight years in prison for the offence referred to in paragraph 3 of this Article.

(8) If the offence referred to in paragraph 1, 2, 3, 4, 5 or 6 of this Article was committed within a criminal association for the commission of such criminal offences, the perpetrator shall be sentenced to between one and fifteen years in prison."

#### Article 119

Article 335 shall be deleted.

#### Article 120

In paragraph 1 of Article 341, the wording "six months" shall be replaced by the wording "one year".

In paragraph 2, the wording "one year" shall be replaced by the wording "two years".

#### Article 121

In paragraph 1 of Article 344, the word "five" shall be replaced by the word "three".

In paragraph 2, the word "ten" shall be replaced by the word "five".

Article 122

In paragraph 1 of Article 360, the wording "353 to" shall be replaced by the wording "Articles 353, 354 and".

Article 123

Article 374 shall be amended to read as follows:

"Piracy  
Article 374

(1) The member of the crew or the passenger of a vessel or an aircraft, with the exception of the warship or aircraft and public ship or aircraft, who by violating the rules of international law and with the intention to procure a property or non-property benefit for himself or for a third person or to cause substantial damage to a third person, on the high seas or in a place outside the jurisdiction of any state, commits an unlawful act of violence or detention, or any act of depredation, directed against another vessel or aircraft, or against persons or property on board such vessel or aircraft, shall be sentenced to between one and ten years in prison.

(2) The act referred to in the preceding paragraph shall also be considered piracy if it is committed by a member of the crew of a warship or a public ship or an aircraft whose crew has unlawfully mutinied and taken control of the vessel or aircraft.

(3) If the offences referred to in paragraph 1 or 2 of this Article result in the death of one or more persons or significant damage to property, the perpetrator shall be sentenced to between five and fifteen years in prison.

Article 124

Article 374 shall be followed by a new Article 374a which shall read as follows:

"Violation of restrictive measures  
Article 374a

(1) Whoever, in contravention with the restrictions laid down in regulations imposing restrictive measures that are adopted pursuant to legal acts and decisions taken by international organisations, or with restrictions that, in accordance with the legal provisions of international organisations in the Republic of Slovenia directly apply, offers, sells, remits, transfers, trades, delivers, imports, exports, enters or takes out of the country goods, technology, money or property, or whoever intermediates therein, or enables access to such goods, technology, money or property or to benefits thereof, or fails to provide access thereto, or whoever unlawfully acquires or keeps such goods, technology, money or property thus gaining a substantial property benefit, shall be sentenced to between six months and five years in prison.

(2) The goods, technology, money and property referred to in the preceding paragraph shall be confiscated."

## Article 125

In Article 375, which shall become paragraph 1 of this Article, the wording "Article 100" shall be followed by a comma and the wording "paragraph 1 of Article 102, point 3 of paragraph 4 of Article 103, paragraph 6 of Article 109, paragraph 2 of Article 113 and Article 115".

A new paragraph 2 shall be added to read as follows:

"(2) The educational measure imposed on a minor shall be deleted within a period of one year from the time when it ceased to be implemented."

## TRANSITIONAL AND FINAL PROVISIONS

## Article 126

(1) If the safety measure of compulsory psychiatric treatment and confinement in a health institution was imposed by means of a final decision and prior to the entry into force of this Act, the period of its application shall not exceed five years.

(1) If the safety measure referred to in the preceding paragraph on the date of entry into force of this Act has been in effect for more than five years, the competent court shall promptly discontinue *ex officio* the measure and so notify the institution, in which the measure is imposed, the competent social work centre, the statutory representative and the closest relatives of the sentenced person pursuant to the law regulating mental health.

(3) In the case referred to in the preceding paragraph, the health institution in which the measure is imposed shall conduct the procedure *ex officio* in accordance with the Act regulating mental health concerning the admission to treatment without consent in urgent cases .

(4) Pending the publication of the decree of the minister responsible for health, with the consent of the minister responsible for justice, in *Uradni list Republike Slovenije* (Official Gazette of the Republic of Slovenia) that the conditions have been met for the treatment and care in a forensic psychiatric ward of a health institution that meets special security conditions provided by law, the measure referred to in Article 70a of this Code shall be imposed in health institutions in which it was imposed prior to entry into force of this Act.

## Article 127

(1) Until the provisions of the Enforcement of Criminal Sanctions Act (*Zakon o izvrševanju kazenskih sankcij* (Ur. l. RS, nos 110/06 – official consolidated text, 76/08 and 40/09, hereinafter: the ZIKS-1) are brought in line with the provisions of the amended Article 86 of this Code, the court shall, on the basis of this Act, also send the enforceable judgment on the prison sentence enforcement by house arrest to the prison for serving the sentence to which the convicted person would otherwise be sent and to the police station in the area in which house arrest is carried out. The prison shall also be submitted all decisions and notifications on the enforcement of house arrest.

(2) Pending the amendment to the ZIKS-1 and for the purposes of enforcing the prison sentence by house arrest, for summoning a convicted person to serve the sentence, as well as for deferral of the sentence and the start of the house arrest, the

provisions of the ZIKS-1 relating to the prison sentence shall apply *mutatis mutandis*. On the date set for the start of the house arrest, the prison to which the convicted person would otherwise be sent, shall carry out the action referred to in the first paragraph of Article 29 of the ZIKS-1. The day of commencement of serving the house arrest shall be taken to be the date when these acts have been carried out.

(3) For the purpose of prison sentence enforcement by house arrest, the prison referred to in the preceding paragraph shall manage the collections of the personal data referred to in Articles 31, 32, 33, 35, 37, 38, 39 and 40 of the ZIKS-1, relating to convicted persons serving a prison sentence in institutions, and shall process the personal data of convicted persons under house arrest in data collections so as to appropriately indicate that the data processed refer to the convicted persons who are under house arrest. The personal data of convicted persons under house arrest shall be processed separately from the personal data of other convicted persons.

(4) Until the provisions of the ZIKS-1 are brought in line with the provision of the amended seventh, eighth and ninth paragraph of Article 88 of the Code, the commission for conditional release under the ZIKS-1 shall decide on the conditional release of the convicted person under house arrest, protective supervision over a conditionally released person, appointment of a supervisory officer to perform protective supervision, and on tasks to be performed within the framework of protective supervision.

(5) In order to decide on conditional release, the commission for conditional release may obtain the following without the consent of the convicted person:

- data that under the ZIKS-1 may be obtained by the commission for conditional release for the purpose of deciding on conditional release; and
- data from the court and police on any infringement of rules imposed by the court regarding the enforcement of house arrest.

(6) The minister responsible for justice shall bring into line the provisions of the Rules on community service (Ur. I. RS, no. 109/08) with amended Article 86 and supplemented Article 87 of this Code within one month of the entry into force of this Act.

(7) The minister responsible for justice shall bring into line the provisions of the Rules on the implementation of protective supervision (Ur. I. RS, no. 85/09) with amended Article 86 and supplemented Article 87 and amended and supplemented Article 88 of this Code within one month of the entry into force of this Act.

#### Article 128

(1) The provisions of a new paragraph 3 of Article 135 and paragraph 4 of Article 246 of the Code shall apply to criminal offences committed after the entry into force of this Act.

(2) With respect to the method of prosecution, the provisions of the Code applicable prior to the entry into force of this Act shall apply to the criminal offences referred to in Articles 135 and 146 of the Code, which were committed prior to the entry into force of this Act.

#### Article 129

This Act shall enter into force six months after its publication in the *Uradni list Republike Slovenije*.