

Unofficial translation

**ROMANIAN CRIMINAL CODE
(EXCERPTS) (AS OF NOVEMBER 2015)**

GENERAL PART

**TITLE X – DEFINITION OF TERMS OR PHRASES IN CRIMINAL
LAW**

ART. 177

Family member

(1) Family member means:

- a) ascendants and descendants, brothers and sisters, their children, as well as the persons becoming such relatives as a result of adoption;
- b) spouse;
- c) persons establishing relations similar to those existing between spouses or between parents and children, if cohabiting.

(2) In case of adoption, criminal law stipulations on family members, to the extent provided under par. (1) let. a), shall also apply to the adopted person or the descendants of the same, with respect to kin.

SPECIAL PART

TITLE I - OFFENSE AGAINST THE PERSON

[...]

CHAPTER III Offenses against a family member

ART. 199

Domestic violence

(1) If the acts set by Art. 188, Art. 189 and Art. 193– 195 are committed against a family member, the special maximum term of the penalty set by law shall be increased by one-fourth.

(2) In case of offenses set by Art. 193 and Art. 196 committed against a family member, a criminal action may be initiated also *ex officio*. Reconciliation shall eliminate criminal liability.

ART. 200

Killing or harming of a newly-born baby by their mother

(1) Killing of a newly-born baby immediately after birth, but no later than 24 hours, committed by a mother who is in a state of mental disorder shall be punishable by no less than 1 and no more than 5 years of imprisonment.

(2) If the acts set by Art. 193 - 195 are committed against a newly-born baby immediately after birth, but no later than 24 hours, by a mother who is in a state of mental disorder, the special limits of the penalty shall range between one month and 3 years, respectively.

CHAPTER IV Assault on a fetus

ART. 201

Termination of pregnancy

(1) Termination of pregnancy committed under any of the following circumstances:

a) outside medical facilities or offices authorized for this purpose;

b) by a person who does not have the capacity as physician specialized in obstetrics and gynecology and a license for medical practice in this specialty;

c) if the length of pregnancy exceeded fourteen weeks, the punishment shall be of no less than 6 months and no more than 3 years of imprisonment or a fine and a ban on the exercise of certain rights.

(2) Termination of pregnancy, committed under any circumstances, without the consent of the pregnant woman, shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

(3) If the acts set under par. (1) and par. (2) caused bodily harm to a pregnant woman, the penalty shall be no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights, and if such acts resulted in a pregnant woman's death, the penalty shall be no less than 6 and no more than 12 years of imprisonment and a ban on the exercise of certain rights.

(4) When such acts were committed by a physician, in addition to the imprisonment penalty, a prohibition to practice their profession shall apply.

(5) The attempt to commit the offenses set under par. (1) and par. (2) shall be punishable.

(6) Termination of pregnancy for therapeutic purposes performed by a physician specialized in obstetrics and gynecology, up to the pregnancy length of twenty four weeks, or subsequent termination of pregnancy for therapeutic purposes, in the interest of the mother or of the fetus, shall not constitute an offense.

(7) A pregnant woman who terminates her own pregnancy shall not be punishable.

ART. 202

Harming the fetus

- (1) Harming the fetus during birth, which prevented installation of extrauterine life shall be punishable by no less than 3 and no more than 7 years of imprisonment.
- (2) Harming the fetus during birth, which subsequently caused a bodily harm to the baby, shall be punishable by no less than 1 and no more than 5 years of imprisonment, and if it resulted in the baby's death, the penalty shall be no less than 2 and no more than 7 years of imprisonment.
- (3) Harming the fetus during pregnancy, which subsequently caused a bodily harm to the baby, shall be punishable by no less than 3 months and no more than 2 years of imprisonment, and if it resulted in the baby's death, it shall be punishable by no less than 6 months and no more than 3 years of imprisonment.
- (4) Harming the fetus during birth by a mother who is in a state of mental disorder shall be punished by the penalty set at par. (1) and par. (2), the limits of which shall be reduced to one-half.
- (5) If the acts set by par. (1) - (4) were committed with basic intent, the special limits of the penalty shall be reduced to one-half.
- (6) The acts listed under par. (1) - (3) performed by a physician or by a person authorized to assist to birth or to monitor pregnancy, if performed during a medical act, in compliance with the stipulations specific to this practice and were performed in the interest of a pregnant woman or a fetus as a result of the risks inherent to the medical profession, shall not constitute offenses.
- (7) A fetus injury during pregnancy by a pregnant woman shall not be punishable.

CHAPTER VI Offenses against individual freedom

ART. 205

Illegal deprivation of freedom

- (1) Illegal deprivation of freedom of an individual shall be punishable by no less than 1 and no more than 7 years of imprisonment.
- (2) The kidnapping of an individual unable to express their will or to defend themselves shall also constitute deprivation of freedom.
- (3) If such act is committed:
 - a) by an armed person;
 - b) against a underage person;
 - c) by jeopardizing the victim's health or life, it shall be punishable by no less than 3 and no more than 10 years of imprisonment.
- (4) If such act resulted in the victim's death, it shall be punishable by no less than 7 and no more than 15 years of imprisonment and a ban on the exercise of certain rights.
- (5) The attempt to commit the offenses set under par. (1) - (3) shall be punishable.

ART. 206

Threats

(1) The act of threatening an individual with the commission of an offense or of a prejudicial act against them or other individual, if this is of nature to cause a state of fear, shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine; however, the applied penalty may not exceed the penalty established by law for the offense that was the subject matter of the threat.

(2) Criminal action shall be initiated based on a prior complaint filed by the victim.

ART. 207

Blackmail

(1) Coercion of an individual to give, to do, not do, or suffer something for the purpose of unlawfully acquiring a non-financial benefit, for themselves or for another individual, shall be punishable by no less than 1 and no more than 5 years of imprisonment.

(2) The same penalty shall apply to a threat to disclose a real or fictitious fact that is compromising for the threatened individual or for a member of their family, for the purpose set under par. (1).

(3) If the acts set by par. (1) and par. (2) were committed for the purpose of deriving a financial benefit, for themselves or for another individual, they shall be punishable by no less than 2 and no more than 7 years of imprisonment.

ART. 208

Harassment

(1) The act of an individual who repeatedly, with or without a right or legitimate interest, pursues an individual or supervises their domicile, working place or other places attended by the latter, thus causing to them a state of fear, shall be punishable by no less than 3 and no more than 6 months of imprisonment or by a fine.

(2) Making of phone calls or communications through remote communication devices which, through their frequency or content, cause a state of fear to an individual, shall be punishable by no less than 1 and no more than 3 months of imprisonment or by a fine, unless such act represents a more serious offense.

(3) Criminal action shall be initiated based on a prior complaint filed by the victim.