

Penal Code of July 17, 2009 (* updated *)
(Law no. 286/2009)
(updated until February 27, 2017 *)
ISSUER • PARLIAMENT

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GENERAL PART

Title I of criminal law and its limits of application

Chapter I General principles

Article 1

legality incrimination

(1) Criminal Law provides facts constituting the offense.

(2) No one may be punished for a criminal offense under the criminal law was not at the time when it was committed.

Article 2

Legality of Criminal Sentences

(1) Criminal Law provides penalties applicable educational measures that can be taken against persons who have committed offenses and security measures that can be taken against persons who have committed offenses under criminal law.

(2) Not applicable punishment or can not get an educational measure or a security measure if it was not under the criminal law at the time the act was committed.

(3) No punishment can not be established and applied outside the limits of its general.

Chapter II Application of criminal law

Section 1 Applying criminal law while

Article 3

Activity criminal law

Criminal law applies to offenses committed in the course as it is in force.

Article 4

Criminal law enforcement decriminalization

Criminal Law does not apply to offenses committed under the old law, if not provided for by the new law. In this case, the execution of penalties, educational measures and safety measures, imposed under the old law and the consequences of criminal judgments regarding these facts cease with the entry into force of the new law.

Article 5 *)

Applying criminal law more favorable to the final judgment of the case

(1) Where the offense until final judgment of the case occurred one or more criminal laws, the law more favorable.

(2) Para. (1) applies to laws or provisions of this unconstitutional and emergency ordinances approved by Parliament amendment or supplement or rejected, if the time they have been in force included criminal provisions more favorable.

Note ————— *) By Decision no. 265 of May 6, 2014, published in the Official Gazette no. 372 of May 20, 2014, was admitted the exception of unconstitutionality of the provisions of art. 5 of the Criminal Code, observing that these provisions are constitutional insofar as the provisions of the law do not allow combining successive establishing and applying more favorable criminal law. According to art. 147 par. (1) CONSTITUTION republished in the Official Gazette. 767 of October 31, 2003 provisions of laws and ordinances in force, as well as the regulations declared unconstitutional, cease their legal effects within 45 days from publication of the decision of the Constitutional Court if, in the meantime, the Parliament or the Government, as appropriate not bring into line the unconstitutional provisions of the Constitution. During this time the provisions declared unconstitutional shall be suspended de jure. Therefore, between May 20 2014-3 July 2014, the provisions of art. 5 of the Criminal Code, in that they allow combining the provisions of the successive laws in defining and implementing more favorable criminal law were suspended by law, ceasing its legal effects as of July 4, 2014, as the legislature has not intervened to change provisions unconstitutional. —————

Article 6

Application of more favorable criminal law after final judgment of the case

(1) When after a final judgment of conviction and to complete execution of imprisonment or fine has been a law providing for a lighter punishment, the sanction imposed if it exceeds specific maximum set by the new law for such an offense is reduced to this maximum.

(2) If, after a final decision to sentence to life imprisonment and its execution has been a law which provides for the same offense only imprisonment, life imprisonment is replaced with maximum imprisonment prescribed for the offense.

(3) If the new law provides only a fine instead of imprisonment, the sentence imposed is replaced by fine without exceeding the maximum special provision in the new law. Taking into account the part made of imprisonment, may be removed in whole or in part the execution of the fine.

(4) Educational measures executed and unexpected in the new law is no longer running, and those that have a correspondent in the new law runs content and limits specified therein, if more favorable.

(5) When a new law is more favorable under par. (1) - (4), complementary penalties and security measures enforced and unexpected in the new law is no longer running, and those that have a correspondent in the new law runs content and limits specified therein.

(6) If the new law is more favorable only in terms of complementary punishments or security measures, which runs the content and limits stipulated by the new law.

(7) When a provision of the new law refers to the final sentence imposed, taking into account the punishments executed until the entry into force, the punishment reduced or replaced under the provisions of par. (1) - (6).

Article 7

Temporary criminal law enforcement

(1) Temporary Criminal law applies offense committed while he was in force even if the act was not prosecuted or tried in that time frame.

(2) Criminal law is criminal law that provides temporary departure date her force or whose application is limited by the temporary nature of the situation which required adoption.

Section 2 of the application of criminal law in space

Article 8

Territoriality of criminal law

(1) Romanian criminal law applies to offenses committed in Romania.

(2) Romania is meant tracts of land, territorial sea and ground waters, underground and air space, between frontiers.

(3) Romania offense is any offense committed in the territory shown in par. (2) or on a vessel Romanian flag or on an aircraft registered in Romania.

(4) The offense is considered committed in Romania when this territory or on a vessel flying the Romanian flag or aircraft registered in Romania has performed an act of execution, instigation or complicity times occurred even in part, result of crime.

Article 9

Personality criminal law

(1) Romanian criminal law applies to offenses committed outside the country by a Romanian citizen or a Romanian legal entity, if the penalty provided in Romanian law is life imprisonment or imprisonment exceeding 10 years.

(2) In other cases, the Romanian criminal law applies to offenses committed outside the country by a Romanian citizen or a Romanian legal entity, if the act is provided as an offense and the criminal law of the country where it was committed or if it was committed in a place that is not subject to the jurisdiction of any state.

(3) the initiation of criminal proceedings is made with prior permission of the general prosecutor of the court of appeal having jurisdiction over the prosecution notified first or, where appropriate, the general prosecutor attached to the High Court of Cassation and Justice. The term the prosecutor may issue authorization is up to 30 days from the request and authorization may be extended by law, without the overall length exceeding 180 days.

Alin. (3) art. Amended by section 9. 1 of art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 10

Reality criminal law

(1) Romanian criminal law applies to offenses committed outside the country by a foreign citizen or a person without citizenship, against the Romanian state, against a Romanian citizen or a Romanian legal entities.

(2) Putting in criminal proceedings is made with the prior authorization of general prosecutor attached to the High Court of Cassation and Justice and only if the act is not subject to legal proceedings in the State in which it committed.

Article 11

Universality criminal law

(1) Romanian criminal law applies to offenses other than those referred to in art. 10 committed

abroad by a foreign national or a stateless person who is voluntarily in Romania in the following cases:

- a) committed an offense which the Romanian state has undertaken to suppress under an international treaty, whether intended or not criminal law of the state in whose territory it was committed;
 - b) requested the extradition or surrender of the offender and this was refused.
- (2) Para. (1) b) shall not apply where, under the law state the offense, there is a case preclude the establishment or continuation of criminal proceedings criminal trial or execution of the sentence or the sentence has been served or is deemed as served.
- (3) When the penalty was not executed or was executed only in part, proceed according to legal provisions regarding the recognition of foreign judgments.

Article 12

Criminal law and international treaties
provisions of art. 8-11 apply unless otherwise provided by an international treaty to which Romania is a party.

Article 13

Jurisdictional immunity

Criminal Law does not apply to offenses committed by diplomatic representatives of foreign states or to other persons in accordance with international treaties are not subject to the criminal jurisdiction of the Romanian state.

Article 14

extradition

- (1) Extradition may be granted or applied for under an international treaty to which Romania is a party or on a reciprocal basis in law.
- (2) The surrender or extradition of a person in relation to the Member States of the European Union be granted or required by law.
- (3) Teaching a person to an international criminal court is granted by law.

Title IICrime

Chapter IGeneral Provisions

Article 15

The essential features of the offense

- (1) The offense is offense under the criminal law committed with guilt, unreasonable and attributable to the person who committed it.
- (2) The offense is the sole basis for criminal liability.

Article 16

guilt

- (1) The act is an offense only if committed with guilt as required by the criminal law.
- (2) Guilt exists when an offense is committed with intent, recklessly or intentionally exceeded.
- (3) is an intentional act of the perpetrator:
 - a) provides results of his act, following its production by committing that act;
 - b) provides the result of his act and, although it seeks to accept the possibility.
- (4) negligent act is, when the perpetrator:
 - a) provides results of his act, but do not accept it, believing without reason that he will not occur;
 - b) does not provide the result of his act, although it could have foreseen.
- (5) There is intentionally exceeded the act consisting of a deliberate action or inaction produces a more serious fault is due to the offender.
- (6) an act consisting in the action or inaction offense is committed intentionally. Negligent act committed an offense only when expressly required by law.

Article 17

Offense committed by omission

committed offense which involves producing a result the omission committed and when:

- a) there is a statutory or contractual obligation to act;
- b) by omission, by action or inaction earlier, has created social value protected a state of danger that facilitated production results.

Chapter IIcauses supporting

Article 18

General dispositions

(1) not considered a criminal offense under the criminal law, if any of the reasons justifying prescribed by law.

(2) the supporting causes extends to the participants.

Article 19

Self-defense

(1) is justified under the criminal law act committed in self-defense.

(2) self-defense person who commits the act to avert an attack material directly, immediately and unjustly threatening his person to another, their rights or interest, if the defense is proportionate to the seriousness of the attack.

(3) is assumed to be self-defense under par. (2) that commits the act to reject the entry of a person into a house, room, premises or place surrounded taking it without law, violent, cunning, burglary or other such illegal ways or at night.

Article 20

State of emergency

(1) is justified under the criminal law act committed in a state of necessity.

(2) the state of emergency the person committing the act to save from immediate danger and could not be removed or the life, limb or health or that of another person or an important asset of his or another person or interest if the result that they are not clearly worse than those that would have occurred if the danger was removed.

Article 21

Exercise of a right or performance of an obligation

(1) is justified under the criminal law act consisting of the exercise of a legal right or to fulfill an obligation imposed by law, subject to conditions and limitations contained therein.

(2) It is also justified under the criminal law act consisting in fulfillment of an obligation imposed by the competent authority in the manner prescribed by law, unless it is manifestly illegal.

Article 22

Consent of the injured

(1) is justified under the criminal law offense committed with the consent of the injured person if it could legally have social value harmed or jeopardized.

(2) The consent of the injured person does not take effect for crimes against life and when the law excludes the effect of supporting it.

Chapter III Causes neimputabilitate

Article 23

General dispositions

(1) not considered a criminal offense under the criminal law, it has been committed under any of the cases neimputabilitate.

(2) the causes of neimputabilitate not extend to the participants, except fortuitously.

Article 24

The restraint

is not responsible for the event under the criminal law committed because of physical constraints that the perpetrator could not resist.

Article 25

Moral restraint

is not responsible for the event under the criminal law committed because of moral constraints exercised by the threat of a serious risk to the perpetrator or for another person and could not be removed otherwise.

Article 26

excess imputable

(1) It is not responsible for the event under the criminal law committed by the person in self-defense, which exceeded because of trouble or fear, limits a defense commensurate with the seriousness of the attack.

(2) It is not responsible for the event under the criminal law committed by the person on the state of emergency that has not realized at the time of the offense, that is causing track obviously more serious than those that would have occurred had the danger he was not removed.

Article 27

Underage defendant

is not responsible for the event under the criminal law committed by a minor who at the time did not meet the legal requirements perpetration of criminal responsibility.

Article 28

Irresponsibility

is not responsible for the event under the criminal law committed by the person who, at the time of perpetration, could not realize their actions or inactions or could not control them, either because of mental illness or other reasons.

Article 29

Poisoning

is not responsible for the event under the criminal law committed by the person who, at the time of perpetration, could not realize their actions or inactions or could not control them, because intoxication involuntary alcohol or other psychoactive substances.

Article 30

error

(1) not considered a criminal offense under the criminal law committed by a person who, when committing its not about the existence of states, situations or circumstances on which the criminal nature of the act.

(2) Para. (1) applies to offenses committed negligence that criminal law punishes them unless knowing the condition, situation or circumstance in question is itself the result of negligence.

(3) There is circumstantial aggravating element aggravate the situation or the fact that the offender has not met at the time the offense.

(4) Para. (1) - (3) are applied accordingly to the ignorance of the legal provisions extrapenale.

(5) It is not responsible for the event under the criminal law committed as a result of ignorance or false knowledge of the unlawful nature of that due to circumstances that could not be avoided in any way.

Article 31

Act of God

is not responsible for the event under the criminal law whose result is the consequence of circumstances which could not be foreseen.

Chapter IV Attempt

Article 32

Attempt

(1) The attempt is to enforce the intent to commit the offense, but enforcement has been stopped or not the intended effect.

(2) There is tentative when impossibility of the crime is a consequence of the way it was meant execution.

Article 33

that attempting

(1) The attempt is punishable only when the law expressly provides for this.

(2) The attempt is sanctioned by a penalty provided for the offense consumed, the limits of which are reduced to half. When consumed offense the law provides for life imprisonment, and the court would turn to this attempt shall be punished with imprisonment from 10-20 years.

Article 34

Discontinuance and prevention of the result

(1) There shall be punished by which, before the discovery of the offense, withdrew fold notified of authorities committing it so consumption can be prevented or hindered the crime itself.

(2) If the acts performed until or preventing discontinuance of the result constitutes another crime, shall be punished for this crime.

Chapter V Unity and plurality of offenses

Article 35

Unit continued crime and complex

(1) The offense is continued when a person performs at different intervals of time, but to achieve the same resolution and same subject passively against actions or inactions presenting, each one, the content of the same offense.

(2) The offense is complex in its content will come when, as a constituent or circumstantial aggravating element, action or inaction which is itself an offense under criminal law.

Article 36

The penalty for the offense and the offense continued complex

(1) The offense is sanctioned by a penalty continued provided for the offense committed, the maximum of which may be increased at the penalty of 3 years in prison, respectively, in the case of more than one third of the fine.

(2) complex offense is punishable with the punishment provided by law for the offense.

(3) complex offense committed intentionally exceeded, if there was only the result of serious side action is sanctioned with the punishment provided for the offense complex consumed.

Article 37

Recalculation punishment for the offense continued or complex

If the person convicted of an offense continued or complex is on trial later for other acts or omissions by entering the contents of the same offense, taking into account the offense as a whole, establishing an appropriate penalty, which may be easier than previously given.

Article 38

Concurrent offenses

(1) There is real competition crime when two or more crimes were committed by the same person, through action or inaction distinct before being finally convicted for any of them. There is real competition offenses when one crime was committed for committing or concealing another crime.

(2) There is competition of offense when committed an act or omission of a person because of circumstances that occurred or the consequences it has produced, makes content more crimes.

Article 39

Main punishment in case of offenses

(1) In case of offenses, fixed penalty for each crime separately and shall be punished as follows:

a) when they established a life imprisonment sentence and one or more terms of imprisonment or a fine, apply to life imprisonment;

b) when they established only for sentences, the heavy penalty applies, plus an extra one-third of all sentences of the other set;

c) the penalties were determined only by a fine, the heavy penalty applies, plus an extra one-third of all sentences of the other set;

d) the settled imprisonment and a penalty of fine, imprisonment apply to the whole sentence is added to the fine;

e) when they established several prison terms and several fine penalties apply imprisonment under points b) plus entirely under penalty of fine point c).

(2) When a number of different sentences, whether by adding penalty largest gain of one third of all the other prison established would exceed 10 years or more general maximum of imprisonment and at least one of the offenses competing penalty provided by law is imprisonment for 20 years or more may apply life imprisonment.

Article 40

Merging concurrent sentences for offenses

(1) If the offender is judged subsequently sentenced to a concurrent offense, the provisions of art. 39.

(2) The provisions of art. 39 applies where, after a conviction has become final, it appears that the convicted were convicted of an offense competitor.

(3) If the offender to the penalty imposed wholly or partially executed by the previous judgment, which was put in is subtracted from the length of sentence for concurrent offenses.

(4) The provisions regarding the penalty of offenses if applicable and if the sentence of life imprisonment has been switched or replaced with imprisonment.

(5) In case of merger punishment under par. (1) - (4) shall take into account the sentence imposed by a foreign convictions for an offense competitor if the sentence was recognized by law.

Article 41

Relapse

(1) There recidivism when, after a final of any conviction to imprisonment exceeding one year and

up to rehabilitation or expiry of rehabilitation, the convicted commits again a deliberate crime or intentionally exceeded for which the law provides imprisonment of one year or more.

(2) There recurrence and where one of the penalties provided in par. (1) is life imprisonment.

(3) setting of recidivism take account of the convictions abroad for an offense under criminal law and Romanian if the sentence was recognized by law.

Article 42

Conviction does not result in the state of relapse

When setting of recidivism does not take account of conviction regarding:

- a) The facts no longer under criminal law;
- b) criminal pardoned;
- c) strict liability offenses.

Article 43

Punishment in case of relapse

(1) If before the previous sentence has been served or deemed as served another crime is committed in a state of recidivism, the penalty set for it is added to the previous penalty executed or unexecuted the rest of it.

(2) Where before the previous punishment has been served or deemed as served committed several crimes competitors, of which at least one is in a state of recidivism, the penalties laid merge under the provisions relating to competition offenses and punishment resulting added to the previous sentence is not executed or not executed in the remaining part of it.

(3) If by summing punishment under par. (1) and. (2) would exceed by more than 10 years general maximum of imprisonment, and and at least one of the offenses committed penalty provided by law is imprisonment of 20 years or more, instead of the imprisonment punishment can be applied life imprisonment.

(4) When the previous penalty or punishment established for the offense in a state of relapse is life imprisonment, will carry life imprisonment.

(5) If after the previous sentence has been served or deemed as served another crime is committed in a state of relapse special limits of the punishment prescribed by law for the new offense shall be increased by half.

(6) If, after a final decision for the new offense of conviction and before sentence has been served or deemed as served reveals that the convict is in a state of recidivism, the court apply par. (1) - (5).

(7) Para. (6) applies, and if the sentence of life imprisonment has been switched or replaced with imprisonment.

Article 44

The plurality of intermediate

(1) There are several intermediate offenses when, after a final of any conviction and until the sentence is served or deemed as served convict commits another crime and not the conditions provided by law for the state of relapse .

(2) where there are several intermediate punishment for the new crime and punishment before merge under the provisions of competition offenses.

Article 45

Penalties complementary accessory penalties and safety measures in case of multiple offenses

(1) If the offenses committed settled and additional penalty, it applies with the main punishment.

(2) When a number of different complementary punishments of different nature or of the same nature, but different in content, they apply alongside the main penalty.

(3) If you have set several complementary penalties of the same nature and the same content:

- a) in case of plurality of offenses or apply the hard intermediate between them;
- b) in case of relapse, the unexecuted part of the previous sentence is added complementary punishment set for the new offense.

(4) In the case of successive sentences for crimes competing complementary part of the sentence executed until the main penalties fusion complementary penalty is deducted from the resulting penalty applied in addition.

(5) If in addition to principal were established one or more accessory penalties, the provisions of par. (1) - (3), the accessory penalty resulting from the execution being performed by or consideration is made to the main sentence.

(6) safety measures of a different kind or of the same nature, but different in content, taken for crimes committed, accumulates.

(7) If you have taken more precautions the same nature and the same content but different durations apply safety measures longest. Safety measures taken under art. 112 accumulates.

Chapter VI Author and participants

Article 46

Author and co-authors

- (1) The author is the person who directly commits an offense under criminal law.
- (2) Co-authors are persons who directly commit the same offense under the criminal law.

Article 47

Instigator

Instigator is a person who intentionally causes another person to commit an offense under criminal law.

Article 48

accomplice

- (1) The accomplice is a person who intentionally facilitates or helps in any way to commit an offense under criminal law.
- (2) also complicate the person who promises before or during the deed, it would conceal the proceeds of this or that would favor the perpetrator, even if after the act promise is not fulfilled.

Article 49

Punishment for participants

as accomplice, instigator and accomplice to a crime committed intentionally is punishable with the punishment provided for the author. In determining the sentence to take account of the contribution of each to the offense and the provisions of art. 74.

Article 50

Personal circumstances and real

- (1) The circumstances concerning the individual author or a participant does not have an impact on others.
- (2) The factual circumstances are affected by the author and the participants only in so far as they have known or they have laid down.

Article 51

Preventing offense

- (1) The participant is not punished if, prior to the discovery that, denouncing the offense, so that its consumption can be prevented, if itself prevent the crime.
- (2) If the acts performed until termination or preventing constitute another offense, the participant shall be punished for this crime.

Article 52

improper participation

- (1) Committing direct intentionally by a person of an offense under criminal law where, negligently or without guilt, contribute acts executing another person shall be punished with the punishment provided for the offense committed intentionally.
- (2) Determination, aiding or assisting in any way intentionally committing negligence by another person of an offense under criminal law punishable by punishment provided for the offense committed intentionally.
- (3) Determination, aiding or assisting in any way intentional commission of an offense under criminal law, by a person who commits the offense without fault is punished by the penalty provided by law for the offense.
- (4) The provisions of art. 50 and Art. 51 apply accordingly.

Title III Penalties

Chapter I Categories of Punishments

Article 53

To principal

to principal are:

- a) imprisonment for life;
- b) sentences;
- c) fine.

Article 54

Accessory penalty of

additional punishment is deprivation of rights, since the judgment becomes final conviction and to implementation or consideration that enforced deprivation of liberty.

Article 55

Complementary punishments
complementary penalties are:
a) deprivation of rights;
b) military degradation;
c) publication conviction.

Chapter II main penalties

Section 1 Life imprisonment

Article 56

The regime of life imprisonment
Life imprisonment is indefinite imprisonment and executed according to the law on execution of punishments.

Article 57

Non life imprisonment
if the date of the judgment convicting the defendant under the age of 65 years instead of life imprisonment applies to imprisonment for 30 years and penalty of interdiction exercise of rights maximum duration.

Article 58

Replacement of life imprisonment
Where the sentenced to life imprisonment under the age of 65 during the execution of punishment, life imprisonment may be replaced by imprisonment at 30 years and penalty of denial of the exercise of rights maximum duration, if you had a good behavior throughout the sentence, it assumed full civil obligations established by the sentence, unless it proves that there was no possibility to meet, and made steady progress and obvious social reintegration.

Article 59

Calculation penalty for switching or replacement sentenced to life imprisonment
If replacement switching sentenced to life imprisonment or imprisonment, enforced detention period is considered as part made of imprisonment.

Section 2 Prison

Article 60

Prison regime
Jail is fixed-term imprisonment of between 15 days and 30 years and runs the law on execution of punishments.

Section 3 of the fine

Article 61

setting the fine
(1) The fine is the amount of money the convict is obliged to pay the state.
(2) The amount of the fine is determined by day-fine system. The amount of the fine a-day, between 10 RON and 500 RON, is multiplied by the number of days-fine, which is between 30 days and 400 days.
(3) The court shall determine the number of days-fine according to general criteria of punishment individualization. The amount corresponding amount of a day-fine shall be determined taking into account the financial situation of the convicted and legal obligations towards persons convicted dependents.

Alin. (3) art. It amended by section 61. 2 of art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(4) special limits of day-fines are between:
a) 60 to 180 days-fine, the law provides for the offense only fine penalty;
b) 120 240 day-fine, the law provides penalty of fine alternative to imprisonment not exceeding

two years;

c) 180 300 day-fine, fine alternative sentence the law provides imprisonment exceeding two years.
 (5) If the offense was to obtain a patrimony and the punishment prescribed by law is only a fine or court opts to apply this punishment, special limits of day-fine may be increased by one third.
 (6) The fractions set by law for the attenuation or worsening cases of special penalty is applied limits set out in paragraph fine-days. (4) and paragraph. (5).

Article 62

Fine accompanying imprisonment

(1) If the offense was to obtain a patrimony, besides imprisonment, fine penalty may apply.
 (2) special limits of day-fine provided for in art. 61 para. (4) b) and lit. c) determining the ratio of the length determined by the court and the prison sentence can not be reduced or increased as a result of causes attenuation or worsening of the sentence.
 (3) In determining the amount of a day-fine corresponding amount will reflect the value of patrimony obtained or sought.

Article 63

Replace the fine with imprisonment

(1) If the convicted person, in bad faith, not running fine penalty, in whole or in part, the number of days-unpaid fine is replaced with a corresponding number of days imprisonment.
 (2) If the fine accompanied imprisonment not executed, the number of days-fine executed is replaced with a corresponding number of days with prison, which is added to prison, the resulting penalty is considered as a single sentence.
 (3) When replacing the fine with imprisonment, under par. (1) and. (2), a day-fine corresponds to a day of prison.

Article 64

Penalty fines by doing work community service

(1) If the fine penalty can not be executed in whole or in part for reasons not attributable to the person convicted, with the consent of the court replaces the obligation to pay the fine unexecuted obligation to provide unpaid work for the community, besides If, due to health, the person can not perform the work. A-day fine corresponds to a day of community service.
 (2) If the fine replaced under par. (1) accompanied imprisonment, community service obligation is executed after imprisonment.
 (3) coordinating the execution of community service obligation is the probation service.
 (4) Execution of community service ordered under par. (1) terminated by payment of a fine corresponding to the days-remaining fine executed.
 (5) The court replaced day-fine community service executed by a corresponding number of days imprisonment if:
 a) the convicted person fails to perform the community service requirement as determined by the court;
 b) the sentenced person commits a new crime discovered before the full performance of the obligation of community service. Day-fine enforced by community work on final sentence for the new offense, replaced prison, plus the penalty for the new offense.

 Lit. b) of paragraph. (5) art. Amended by section 64. 3 of Art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(6) If the convicted person in the situation referred to in paragraph. (1) does not consent to the provision of community service work, unpaid fine is replaced by imprisonment under Art. 63.

Chapter III Accessory penalty and additional penalties

Section 1 Accessory penalty

Article 65

Content and execution of the penalty of disqualification from exercising certain rights

(1) accessory penalty is deprivation of rights under Art. 66 para. (1) a), b) and d) -o), whose practice was banned by the court as additional penalty.

 Alin. (1) art. It amended by section 65. 4 of art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(2) In the case of life imprisonment, the accessory penalty is the prohibition by the court to exercise the rights under Art. 66 para. (1) a) -a) or some of them.

 Alin. (2) art. It amended by section 65. 4 of art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(3) The penalty of disqualification from exercising certain rights runs from the time of the final judgment of conviction and until the main custodial sentence has been served or deemed as

served.

(4) In the case of life imprisonment, with the content additional punishment stipulated in art. 66 para. (1) c) is enforced on parole or after the sentence was considered served.

Alin. (4) art. It amended by section 65. 4 of art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Section 2 of the complementary penalties

Article 66

Content complementary penalty of prohibition of exercising certain rights

(1) to the prohibition of additional penalty is to prohibit the exercise of rights in the exercise, for a period of one to five years, one or more of the following duties:

- a) the right to be elected to public authorities or any other public office;
- b) the right to hold a function involving the exercise of state authority;
- c) the stranger to find in Romania;
- d) the right to choose;
- e) parental rights;
- f) the right to be guardian or custodian;
- g) the right to hold office, to practice or profession or to engage in activity that used for committing the offense;
- h) the right to own, carry and use any type of weapons;
- i) the right to drive certain categories of vehicles determined by the court;
- j) the right to leave Romania;
- k) the right to hold a leading position in a legal person of public law;
- l) right to be in certain places determined by the court;
- m) the right to be in certain places at certain sports events, cultural or other public gathering established by the court;
- n) the right to communicate with the victim or members of his family, the people who committed the crime or others established by the court, or to approach them;
- a) the right to move closer to home, work, school or other places where the victim social activities, as determined by the court.

(2) When the law provides for deprivation of the right to hold public office, the court deprivation of rights under par. (1) a) and lit. b).

(3) Prohibition of the exercise of rights under par. (1) a) and lit. b) has cumulatively.

(4) The penalty in para. (1) c) will not have when there are reasonable grounds to believe that the expelled person's life is in danger or that person will be subjected to torture or inhuman or degrading treatment in the state to be expelled.

(5) When prohibit any right provided in par. (1) n) and lit. a) court individualized in concrete content of that sentence, taking into account the circumstances of the case.

Article 67

Complementary penalty of prohibition of exercising certain rights

(1) additional penalty of prohibition of exercising certain rights may be applied if the main penalty established is imprisonment or a fine and court finds that, in the nature and gravity of the offense, the circumstances of the case and the person of the offender, the penalty is required.

(2) The application of the prohibition of the exercise of rights is mandatory when the law provides for the punishment for the offense.

(3) Prohibition of foreign law is within Romania will not apply if ordering the suspension of sentence under supervision.

Article 68

Penalty complementary to prohibit the exercise of rights

(1) Penalty prohibit the exercise of rights begins:

- a) a final judgment of conviction penalty fine;
- b) from the issuing the final decision ordering the suspension of the sentence under supervision;
- c) after imprisonment after total pardon or the rest of the penalty after the statute of limitation of the sentence or after expiry of the conditional release supervision.

(2) When ordering the conditional release, to ban foreign law in Romania are running on release.

(3) If it decides to revoke the suspended sentence under supervision or replace the fine with imprisonment, for reasons other than committing a new crime, side of the penalty complementary to prohibit the exercise of rights executed after revocation or replacement will be executed after serving prison.

Article 69

degradation military

(1) additional penalty of military degradation is the loss rate and the right to wear a uniform at the time of the final conviction.

(2) Military demotion necessarily apply convicted active military, reserve or retired, if the main penalty imposed is imprisonment exceeding 10 years or life imprisonment.

(3) Military demotion may be applied to convicted active military, reserve or retired for offenses committed intentionally if the main penalty applied is imprisonment of at least five years and not more than 10 years.

Article 70

Publication of the final sentence

(1) Publication of the final sentence may be ordered when taking into account the nature and gravity of the offense, the circumstances of the case and convict, the court considers that the publication will also help prevent committing other crimes.

(2) conviction be published in excerpt in the form established by the court in a local newspaper or national once.

(3) Publication of the final sentence is at the expense of the convicted person, without disclosing the identity of other people.

Chapter IV Calculation time penalties

Article 71

during the execution

(1) The implementation of the sentence of imprisonment shall run from the day when the convict started with the judgment of conviction.

(2) The day starts serving the sentence and the day it ceases to count on during the performance.

(3) Period during which the convict during law enforcement, is ill in hospital enters during the execution, unless they had deliberately caused the disease, and this fact is found in the sentence.

(4) Permissions out of prison, convict granted by law for enforcement falls within the duration of sentence.

Article 72

Computation time custodial preventive measures

(1) The period during which a person has been subjected to a custodial preventive measures be deducted from the prison sentence handed down. The decrease is made when the convict was tried or judged at the same time or separately for several crimes, albeit sentenced for an act other than that determined layout preventive measure.

(2) The period during which a person has been subjected to a custodial preventive measures is reduced and if the penalty fine sentence by removing all or part of the day-fine.

(3) If the fine accompanying imprisonment, while a person was subjected to custodial preventive measures be deducted from the prison sentence.

Article 73

Deduction penalties and preventive measures carried out abroad

(1) In the case of crimes under Art. 8, art. 9 art. 10 or Art. 11, part of the sentence and during custodial preventive measures carried out outside the country be deducted from the sentence imposed for the same offense in Romania.

(2) Para. (1) shall apply accordingly if the penalty enforced abroad is fine.

Chapter V Individualization of punishment

Section 1 General Provisions

Article 74

General criteria for punishment

(1) Setting the duration or the amount of the penalty is commensurate with the gravity of the offense committed and the dangerousness of the offender, which is assessed on the following criteria:

- a) the circumstances of the offense committed and mode, and the means used;
- b) the danger created the protected;
- c) the nature and severity of outcome products or other consequences of the offense;
- d) the reason and purpose of the offense;
- e) the nature and frequency of offenses that constitute criminal history of the offender;
- f) conduct after committing the crime and criminal during the process;
- g) level of education, age, health, family and social situation.

(2) When the offense the law provides for alternative penalties, taking into account the criteria set out in para. (1) and choosing between them.

Section 2 of the circumstances mitigating and aggravating circumstances

Article 75

Mitigating circumstances

(1) The following circumstances are extenuating circumstances law:

- a) an offense under the control of a strong or emotional disorder caused by a challenge from the injured party, caused by violence, by seriously undermines the dignity or by other serious unlawful action;
- b) exceeding the limits of self-defense;
- c) overcome the limitations of the state of emergency.
- d) cover all of the material damage caused by the offense during the prosecution or trial until the first hearing if the offender has benefited this circumstance within the previous five years of the offense. Mitigating circumstance does not apply in case of committing the following crimes: against the person, robbery, robbery, piracy, fraud committed through computer systems and electronic means of payment, outrage, outrage judicial abusive behavior, crimes against public safety, crime against public health, crimes against religious freedom and respect due the deceased against national security against fighting capacity of the armed forces, crimes of genocide, against humanity and war crimes on the state border of Romania crime legislation on preventing and fighting terrorism, corruption offenses, offenses assimilated to corruption offenses, those against the financial interests of the European Union, offenses regarding the trespassing regime explosives, nuclear or other mater and radioactive concerning the legal status of drugs on the legal regime of drug precursors, those on money laundering, the civil aviation activities and which may endanger flight safety and aviation security, witness protection, prohibiting organizations and symbols fascist, racist or xenophobic and promoting the cult of persons guilty of crimes against peace and humanity, those on trafficking in organs, tissues and cells of human origin, on preventing and combating pornography and the regime adoptions.

Lit. d) of par. (1) art. 75 was introduced by section. 5 of art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(2) The court may be mitigating circumstances:

- a) efforts to eliminate or mitigate the consequences of a criminal offense;
- b) circumstances surrounding the deed, which diminishes the seriousness of the offense or the offender's dangerousness.

Article 76

The effects of mitigating circumstances

- (1) If there are extenuating circumstances, special limits of the punishment prescribed by law for the offense shall be reduced by one third.
- (2) If the penalty prescribed by law is life imprisonment, if mitigating circumstances applicable withholding imprisonment from 10-20 years.
- (3) reduction of penalty is special limits once, regardless of the number of mitigating circumstances accepted.

Article 77

Aggravating circumstances

The following circumstances are aggravating circumstances:

- a) the offense committed by three or more persons together;
- b) subjecting the offense the victim's cruel or degrading treatment;
- c) the offense means or methods likely to endanger other persons or property;
- d) the offense by an adult offender, if it was committed with a minor;
- e) the offense taking advantage of state of the injured person particularly vulnerable due to age, health, infirmity or other causes;
- f) the crime in a state of voluntary alcohol intoxication or other psychoactive substances, it has been caused to commit the offense;
- g) the offense by a person who profited from the occasion of a disaster, the state of siege or state of emergency;
- h) an offense for reasons of race, nationality, ethnicity, language, religion, gender, sexual orientation, opinion or political affiliation, wealth, social origin, age, disability, non-contagious disease or HIV / AIDS or other circumstances Similarly, considered the offender as a person causes of inferiority in relation to others.

Article 78

The effects of aggravating circumstances

- (1) If there are aggravating circumstances may apply to the special maximum punishment. If the maximum is inadequate especially in the case of imprisonment can add an increase to two years, which may not exceed one third of the maximum, and if the fine can apply an increase of no more than one third of the specific maximum.
- (2) Increase in special punishment limits is once regardless of the number of aggravating circumstances retained.

Article 79

Competition between causes mitigation or aggravation

(1) When for the same offenses are incident two or more provisions that have the effect of reducing the sentence, special limits of the punishment prescribed by law for the offense shall be reduced by the successive application of provisions on attempt, mitigating circumstances and special cases reduction punishment, in that order.

(2) If two or more incidents provisions that have the effect of increasing criminal liability, punishment is established by the successive application of the provisions on aggravating circumstances, offenses continued competition or relapse.

(3) When the same offense are incidents where one or more causes of reduction of sentence and one or more causes to increase the punishment, special limits of the punishment prescribed by law for the offense shall be reduced in accordance with paragraph. (1), which limits increases resulting penalty under par. (2).

Section 3 of waiver of penalty

Article 80

Cancellation penalty conditions

(1) The court may decide to waive punishment if the following conditions are met:

a) presents a serious crime committed low, given the nature and extent of the consequences of products, the means used, and the circumstances in which mode has been committed, the reason and purpose;

b) in relation to the person of the offender, conduct taken prior offense, for their efforts to eliminate or mitigate the consequences of the offense and its means of redress, the court considers that the imposition of a sentence would be inappropriate because of the consequences of -ar have on his person.

(2) One can not waiver of penalty if:

a) the offender has previously had a conviction except as provided in Art. 42 lit. a) and lit. b) or who fulfilled without rehabilitation or rehabilitation period;

b) against the same offender was also decided to waive the penalty in the last two years preceding the date of the offense for which he is judged;

c) the offender has evaded prosecution or trial or tried to establish the truth or thwarting identification and criminal responsibility of the author or participants;

d) the punishment provided for the offense is imprisonment exceeding five years.

Lit. d) of par. (2) art. Amended by section 80. 6 of art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(3) In case of offenses waiving punishment may be ordered if for each offense concurrent conditions laid down in para. (1) and. (2).

Article 81

warning

(1) When has to waive the punishment, the court applied the offender a warning.

(2) The warning is to present the reasons which led waiver of penalty and warning the offender on his future behavior and consequences if they expose themselves to commit crimes.

(3) In case of offenses apply a single warning.

Article 82

Cancellation Cancellation penalty and effects

(1) A person against whom willing to waive penalty is not subject to any disqualification, prohibition or incapacity that could result from the offense.

(2) Waiver of penalty shall not affect the enforcement of safety measures and civil obligations set out in the judgment.

(3) If within two years from a final decision ordering the waiver of penalty is discovered that the person to whom this measure was taken committed before the judgment becomes final another crime, which was established punishment even after this period, giving the penalty is canceled and set the punishment for the offense which led initially to waive the penalty, applying then, where appropriate, provisions relating to competition offenses, recidivism or plurality term.

Art. 82 amended by section. 7 of art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Section 4 of the conditional sentence

Article 83

Conditions penalty postponement

(1) The court may order the conditional sentence, with a deadline of surveillance if the following conditions are met:

- a) paying the fine, including in the event of multiple offenses is a fine or imprisonment not exceeding two years;
- b) the offender has been previously convicted to imprisonment, except as provided in Art. 42 lit. a) and lit. b) or who fulfilled without rehabilitation or rehabilitation period;
- c) the offender has expressed agreement to perform community service work;
- d) in respect of individual offender's conduct taken prior offense for their efforts to eliminate or mitigate the consequences of the offense and its means of redress, the court considers that the immediate application of punishment is not necessary but is required his conduct surveillance for a specified period.

(2) You can not have conditional sentence if the punishment provided for the offense is seven years or more or if the offender escaping from prosecution or trial or tried thwarting establish the truth or identification and criminal responsibility author or participants.

(3) Deferred application attracts imprisonment and postpone the application of fine accompanying imprisonment under Art. 62.

(4) must be the motives which prompted conditional sentence and warning the offender on the conduct of its future and the consequences they expose whether to commit crimes or will not comply with supervisory measures or will not perform its obligations during the term surveillance.

Alin. (4) art. It amended by section 83. 8 of art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 84

The term surveillance

(1) The supervisory period is 2 years and is calculated from the date of the final judgment ordering the conditional sentence.

(2) During the monitoring period, the person to whom it was ordered conditional sentence must comply with supervisory measures and carry out its obligations under the conditions set by the court.

Article 85

Surveillance measures and obligations

(1) During the period of surveillance, ordering the person to conditional sentence must meet the following supervisory measures:

- a) to report to the probation service, the data attached to it;
- b) to receive visits from probation officer assigned to his supervision;
- c) to announce in advance, moving house and any travel over five days and return;
- d) communicate changing jobs;
- e) to provide information and documents so as to enable control of his livelihood.

(2) The court may require the person to whom conditional sentence was ordered to carry out one or more of the following obligations:

- a) to attend a school or vocational training;
- b) to perform community service work for a period between 30 and 60 days, as determined by the court, unless that due to health, the person can not perform the work. Daily number of hours fixed by law for enforcement;
- c) to attend one or more social reintegration programs run by the probation service or organized in collaboration with community institutions;
- d) to comply with control measures, treatment or medical care;
- e) not to communicate with the victim or members of his family, the people who committed the crime or others established by the court or not to approach them;
- f) not be in certain places at certain sports events, cultural or other public gathering established by the court;
- g) not to drive certain vehicles determined by the court;
- h) not to hold, do not use and do not carry any type of weapons;
- i) not to leave Romania without the court's consent;
- j) not act or does not perform the function, profession or activity that has been used for committing the offense.

(3) To establish the obligation under par. (2) b) the court will review the information provided regularly by the probation service on the existing concrete possibilities of implementing the probation service and the community institutions.

Alin. (3) art. It amended by section 85. 9 of art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(4) In determining the obligation under par. (2) e) -g), the court individually, specifically, the content of this obligation, taking into account the circumstances of the case.

Alin. (4) art. It amended by section 85. 9 of art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(5) The person must comply fully supervised civil obligations established by a decision no later than three months before the expiry of supervision.

Article 86

oversight

(1) During the period of surveillance data provided in art. 85 para. (1) c) to e) shall be notified probation.

(2) Performance monitoring obligations under art. 85 para. (2) a) -c) and para. (5) is the probation service. Checking the fulfillment of obligations under art. 85 para. (2) d) j) shall be made by the competent authorities, which will notify the Probation of any infringements.

(3) Probation Service will take appropriate steps to ensure that the obligations stipulated in art. 85 para. (2) a) -d) in a timely fashion from the date of the final conviction.

(4) During the period of supervision, probation service must notify the court if:

a) intervened be grounds for modification of obligations imposed by the court or termination of the performance of some of them;

b) supervised person does not comply or perform surveillance measures, as determined, its obligations;

c) supervised person did not fulfill civil obligations established by a decision no later than three months before the expiry of supervision.

Article 87

Modification or termination of obligations

(1) If during the term of supervision intervened be grounds for imposing new obligations or increase or decrease the performance conditions existing court orders modifying obligations properly supervised to ensure better chances straightening person.

(2) The court orders the suspension of enforcement of certain obligations they imposed, where it considers that their maintenance is not required.

Article 88

Revocation postponement penalty

(1) If during the term of supervised individual supervision, bad faith, does not comply with supervisory measures or perform the obligations, the court shall revoke the postponement and has application and execution.

(2) If, by the deadline of supervision, the person under observation does not fully meet civil obligations established by the decision, the court shall revoke the postponement and has application and enforcement of the sentence, unless the person proves that he had no opportunity to meet .

(3) If after conditional sentence person supervised committed a new offense of intentionally or intentionally exceeded discovered within the surveillance, for which a conviction even after this period, the court shall revoke the postponement and has application and execution. The sentence imposed by revoking delay and penalty for the new offense is calculated according to the provisions on competition offenses.

(4) If the subsequent offense is committed by negligence, the court may maintain or revoke the conditional sentence. Upon revocation, and para. (3) apply accordingly.

Article 89

Cancellation penalty postponement

(1) If during the term surveillance reveals that the person supervised committed an offense until the final judgment ordering the postponement, for which he was imprisonment even after this period, the delay is canceled, applying where appropriate provisions on competition offenses, recidivism or plurality term.

(2) In case of offenses, the court may order the resulting conditional sentence if the conditions set out in art. 83. If it has conditional sentence term surveillance is calculated from the date of the final decision that ruled previously conditional sentence.

Article 90

Effects penalty postponement

(1) The person to whom it was ordered conditional sentence is no longer applicable penalty and is not subject to any disqualification, prohibition or incapacity that could result from the offense, if committed again criminal until the expiry of surveillance , it was decided to dismiss the delay and did not reveal a cause of cancellation.

(2) Deferred penalty shall not affect the enforcement of safety measures and civil obligations set out in the judgment.

Section 5 of the suspension of sentence under supervision

Article 91

Suspension of sentence under supervision conditions

(1) The court may suspend the sentence under supervision if the following conditions are met:

- a) the penalty imposed, including in case of cumulative crime is imprisonment of up to three years;
- b) the offender has been previously convicted to imprisonment exceeding one year, except as provided in Art. 42 or who fulfilled without rehabilitation or rehabilitation period;
- c) the offender has expressed agreement to perform community service work;
- d) in respect of individual offender's conduct taken prior offense for their efforts to eliminate or mitigate the consequences of the offense and its means of redress, the court considers that punishment is sufficient, even without its execution, the convict will not commit other crimes, but it is necessary to monitor its behavior for a specified period.

(2) Where imprisonment is accompanied by fine penalty applied under Art. 62, runs fine even if enforcement was suspended prison sentence under supervision.

(3) Can not suspend sentence under supervision if:

- a) the penalty is only applied to the fine;
- b) penalty was initially delayed, but after postponement has been revoked;
- c) the offender has evaded prosecution or trial or tried to establish the truth or thwarting identification and criminal responsibility of the author or participants.

(4) It is mandatory to submit the reasons relied on conviction, as well as those that caused suspended sentence and warning convict on his conduct future and the consequences they expose whether to commit crimes or will not comply with supervisory measures or will not perform its obligations during the term of supervision.

Article 92

The term surveillance

(1) The term suspended sentence under supervision is within surveillance convicted and is between 2 and 4 years, without being however less than the length of sentence.

(2) surveillance term is calculated from the date when the decision which ruled suspended sentence under supervision became final.

(3) During the monitoring period the convict must comply with supervisory measures and carry out its obligations under the conditions set by the court.

Article 93

Surveillance measures and obligations

(1) During the period of surveillance, the convict must meet the following supervisory measures:

- a) to report to the probation service, the data attached to it;
- b) to receive visits from probation officer assigned to his supervision;
- c) to announce in advance, moving house and any travel over five days;
- d) communicate changing jobs;
- e) to provide information and documents so as to enable control of his livelihood.

(2) The court shall impose the convict to execute one or more of the following obligations:

- a) to attend a school or vocational training;
- b) to attend one or more social reintegration programs run by the probation service or organized in collaboration with community institutions;
- c) to comply with control measures, treatment or medical care;
- d) not to leave Romania without the court's consent.

(3) During the period of surveillance, the convict will perform work community service for a period between 60 and 120 days, as determined by the court, unless that because health can not provide this work. Daily number of hours fixed by law enforcement.

(4) For the determination of the obligation under paragraph. (3) the court will review the information provided regularly by the probation service on the existing concrete possibilities of implementing the probation service and the community institutions.

Alin. (4) art. It amended by section 93. 10 of art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(5) The convict must meet all civil obligations established by the sentence, not later than three months before the expiry of supervision.

Article 94

supervision convict

(1) During the period of surveillance data provided in art. 93 para. (1) c) to e) shall be notified probation.

(2) Performance monitoring obligations under art. 93 para. (2) a) and lit. b) par. (3) and. (5) is the probation service. Checking the fulfillment of obligations under art. 93 para. (2) c) and subparagraph d) is made by the competent authorities, which will notify the Probation of any infringements.

(3) Probation Service will take appropriate steps to ensure that the obligations stipulated in art. 93 para. (2) a) and lit. b) and para. (3) in a timely fashion from the date of the final conviction.

(4) During the period of supervision, probation service must notify the court if:

- a) intervened be grounds for modification of obligations imposed by the court or termination of the performance of some of them;
- b) supervised person does not comply or perform surveillance measures, as determined, its

obligations;

c) supervised person did not fulfill civil obligations established by a decision no later than three months before the expiry of supervision.

Article 95

Modification or termination of obligations

(1) If during the term of supervision intervened be grounds for imposing new obligations or increase or decrease the performance conditions existing court orders properly modifying obligations to ensure convicted better chance of reformation.

(2) The court orders the suspension of enforcement of certain obligations they imposed, it considers that their maintenance is not required.

Article 96

Revocation of suspended sentence under supervision

(1) If during the term of supervised individual supervision, bad faith, does not comply with supervisory measures or perform the obligations established by law or court revokes suspension and enforce the sentence.

(2) If, on expiry of surveillance supervised person does not fully meet civil obligations established by the decision, the court revoked the suspension and enforce the sentence, unless that person proves that he had no chance to meet.

(3) If the penalty fine that accompanied imprisonment under Art. 62 have been completed and has been replaced by imprisonment under Art. 63 para. (2) or Article. 64 para. (5) and para. (6), the court revoked the suspension and enforce the sentence, plus imprisonment which replaced the fine.

(4) If during the supervisory period the convict has committed a crime discovered until the date and for which a conviction to imprisonment even after this period, the court revoked the suspension and enforce the sentence.

(5) the main punishment for the new crime is established and implemented where appropriate, the provisions on recidivism or plurality of intermediate.

(6) If the subsequent offense is committed by negligence, the court may maintain or cancel the suspension of the sentence under surveillance. Upon revocation, and para. (1), para. (4) and paragraph. (5) apply accordingly.

Article 97

Unuspended sentence under supervision

(1) If during the term surveillance reveals that the person convicted in May had committed an offense by a final decision ordering the suspension, which was imposed imprisonment even after this period, the suspension is canceled, applying where appropriate provisions on competition offenses, recidivism or plurality term.

(2) In case of plurality of offenses or intermediate court may sentence resulting suspension if the conditions set out in art. 91. If suspend sentence under supervision, supervision term is calculated from the date of the final judgment of conviction which he has ruled previously suspended sentence under supervision.

Article 98

The effects of the suspension of sentence under supervision

(1) If the convicted person has not committed a new crime revealed by the deadline surveillance was ordered not revoked suspended sentence under supervision and not found a cause for cancellation penalty is considered executed.

Alin. (1) art. It amended by section 98. 11 of Art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(2) Suspension of sentence under supervision no effect on safety measures and civil obligations stipulated in the sentence.

Section 6 ofBail

Article 99

Conditions of parole for life imprisonment

(1) Release conditioned in the event of life imprisonment may be arranged, if:

a) the convict has effectively served 20 years in prison;

b) the convict had a good conduct throughout the execution of punishment;

c) the convict has fully complied civil obligations established by the sentence, unless it proves that there was no possibility to do;

d) the court is convinced that the convict turned and can reintegrate into society.

(2) It is mandatory to submit the reasons which led granting conditional release and warning convict on his conduct future and the consequences they expose, whether to commit crimes or will not comply with supervisory measures or if it does not perform its obligations as return during the term of supervision.

(3) at the time of parole, convict is subjected to a supervisory period of 10 years.

Article 100

The penalty of conditional release conditions in prison

(1) where prison Bail may be arranged, if:

- a) the convict has executed at least two thirds of the penalty in case of imprisonment not exceeding 10 years, or at least three quarters of the penalty, but not more than 20 years in the case of imprisonment exceeding 10 years;
- b) the convict is serving the punishment under semi-open or open;
- c) the convict has fully complied civil obligations established by the sentence, unless it proves that there was no possibility to do;
- d) the court is convinced that the convict turned and can reintegrate into society.

(2) If the convicted person has reached the age of 60 years may be ordered conditional release after serving effectively half of the penalty in case of imprisonment not exceeding 10 years, or at least two thirds of the penalty in if imprisonment exceeding 10 years if the conditions set out in par. (1) b) -d).

(3) The calculation of the penalty provided for in paragraph factions. (1) to take account of part of the penalty that may be considered by law as enforced on the basis of work performed. In this case, parole can not be ordered before the effective execution of at least half of his prison sentence, when it does not exceed 10 years, and at least two thirds when the penalty is more than 10 years.

(4) The calculation of the penalty provided for in paragraph factions. (2) to take account of part of the penalty that may be considered by law as enforced on the basis of work performed. In this case, parole can not be ordered before the effective execution of at least one third of the duration of imprisonment, when it does not exceed 10 years, and at least half, when the penalty is more than 10 years.

(5) It is mandatory to submit the reasons which led granting conditional release and warning convict on the conduct of its future and the consequences they expose, whether to commit crimes or will not comply with supervisory measures or will not perform its obligations during the term of supervision.

(6) between the date of parole and the date when the duration of the sentence is within surveillance convicted.

Article 101

Surveillance measures and obligations

(1) If the remaining unexecuted punishment release date is two years or more, the convict must meet the following supervisory measures:

- a) to report to the probation service, the data attached to it;
- b) the person designated to receive visits from his supervision;
- c) inform, in advance, any change in the home and any travel over 5 days;
- d) communicate changing jobs;
- e) to provide information and documents so as to enable control of his livelihood.

(2) In the case referred to in paragraph. (1), the Court may order the convict to execute one or more of the following obligations:

- a) to attend a school or vocational training;
- b) to attend one or more social reintegration programs run by the probation service or organized in collaboration with community institutions;
- c) not to leave Romania;
- d) not to be in certain places at certain sports events, cultural or other public gathering established by the court;
- e) not to communicate with the victim or members of his family, the participants in the crime or others established by the court or not to approach them;
- f) not to drive certain vehicles determined by the court;
- g) not to hold, do not use and do not carry any type of weapons.

(3) The obligations set out in para. (2) c) -g) may be imposed unless they have been applied to content complementary penalty of prohibition of exercising certain rights.

(4) In determining the obligation under par. (2) d) -f), the court individually, specifically, the content of this obligation, taking into account the circumstances of the case.

Alin. (4) art. It amended by section 101. 12 of art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(5) the surveillance and obligations under par. (2) a) and lit. b) running the release time of the grant, for a period equal to one third of the length of the period of surveillance, but no more than 2 years, and the obligations of para. (2) c) -g) runs throughout the surveillance period.

(6) suspended.

Alin. (6) art. Section 101 was repealed. 13 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 102

supervision convict

(1) During supervision, the dates specified in art. 101 par. (1) c) to e) shall be notified probation.

(2) Performance monitoring obligations under art. 101 par. (2) a) and lit. b) is the probation service. Checking the fulfillment of obligations under art. 101 par. (2) c) -g) is made by the competent authorities, which will notify the Probation of any infringements.

(3) Performance monitoring obligations under art. 101 par. (2) d) and point e) can be carried out by an electronic surveillance system, as provided by special law.

(4) During supervision, probation service must notify the court if:

- a) intervened be grounds for modification of obligations imposed by the court or termination of the performance of some of them;
- b) supervised person does not comply or perform surveillance measures, as determined, its obligations.

Article 103

Modification or termination of obligations

(1) If during supervision intervened be grounds for imposing new obligations or increase or decrease the performance conditions existing court orders properly modifying obligations to ensure more likely convict reintegration.

(2) The court orders the suspension of enforcement of certain obligations they imposed, it considers that their maintenance is not required.

Article 104

Revocation of parole

(1) If during supervision of the convicted person, in bad faith, does not comply with supervisory measures or perform the obligations, the court revokes release and enforce the rest of the penalty.

(2) If after granting release the convict committed a new crime, which was discovered within surveillance and for which a conviction to imprisonment even after this period, the court revokes release and enforce the rest of the penalty. The penalty for the new offense is established and implemented where appropriate, the provisions of relapse or plurality term.

(3) Para. (1) and. (2) shall apply accordingly to the parole from serving the sentence of life imprisonment.

Article 105

Cancellation of parole

(1) If during the term surveillance reveals that the person convicted in May had committed an offense to grant release, for which he was imprisonment even after this period, release is canceled, applying, where necessary, provisions on of the offenses, recidivism or plurality term.

(2) Where, in relation to the penalty resulting conditions laid down in art. 99 or Art. 100, the court may grant parole. If ordering release, the term surveillance is calculated from the date of the first release.

(3) When, after canceling the court enforce the sentence resultant complementary side of the penalty of prohibition of exercising certain rights on cancellation executed release will be executed after imprisonment.

Article 106

Effects parole

If the convicted person has not committed a new crime revealed by the deadline surveillance was ordered not revoke parole and did not reveal a cause cancellation penalty is considered executed.

Art. 106 amended by section. 14 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Title IV Safety measures

Chapter I General Provisions

Article 107

The purpose of security measures

(1) Security measures aimed at removing a state of danger and prevent the conduct under criminal law.

(2) safety measures to be taken against the person who committed an offense under criminal law, unjustified.

(3) Security measures may be taken and the offender does not apply a penalty.

Article 108

Categories of safety measures

Safety measures are:

- a) requiring medical treatment;
- b) the medical admission;
- c) no employment of a function or performance of a profession;
- d) Special seizure.
- e) extended confiscation.

Lit. e) art. 108 was introduced by pt. 1 of art. II of Law no. 63 of April 17, 2012, published in the Official Gazette no. 258 of 19 April 2012.

Chapter II regime security measures

Article 109

Forcing medical treatment

(1) If the perpetrator, because of illness, including that caused by chronic consumption of alcohol or other psychoactive substances, dangerous to society may be required to undergo medical treatment until he recovers or until an improvement to remove the danger.

(2) Where a person to whom this measure was taken not undergoing treatment may have medical admission.

(3) If the person obliged to treatment is sentenced to a custodial treatment is carried out during the execution of the sentence.

Article 110

Medical admission

When the perpetrator is mentally ill, chronic substance use or suffering from a disease infectious and dangerous to society, can take the measure of a health facility specialist until he recovers or until an improvement to remove the danger.

Article 111

Prohibition of employment a function or practice a profession

(1) When the offender has committed the crime due to the inability, not prepared, or other causes that make it unfit for occupation of certain positions for exercising a profession or trade or for the pursuit of other activities, you can take the measure of prohibition of the right to occupy that function or to exercise that profession or activity.

(2) safety measures can be revoked on request after passing a period of at least one year if it is found that the reasons that imposed are stopped. A new application can not be made except after a period of at least one year after the rejection of the previous application.

Article 112

special seizure

(1) are confiscated:

- a) goods produced by the act under criminal law;
- b) goods which have been used in any way, or intended to be used to commit an offense under criminal law, if the perpetrator or belonging to another person, he knew the purpose of their use;
- c) goods used immediately after the act to ensure the offender escaping or using or keeping the product obtained if the perpetrator or belonging to another person, he knew the purpose of their use;
- d) goods which were given to determine the commission of an offense under criminal law or to reward the offender;
- e) assets acquired by committing the offense under criminal law if they are not returned to the injured party, to the extent that it does not serve to compensate;
- f) goods whose possession is prohibited by criminal law.

(2) In the case referred to in paragraph. (1) b) and lit. c) if the confiscation is manifestly disproportionate to the nature and seriousness of the offense, confiscation in part by monetary equivalent, taking into account the result produced or which could produce and good contribution to this. If the goods were produced, modified or adapted to commit the offense under criminal law, the confiscation of their entirely.

(3) In the cases referred to in paragraph. (1) b) and lit. c) if goods can not be seized as non offender and who made them did not know the purpose of their use, will seize the cash equivalent thereof, with the provisions of para. (2).

(4) Para. (1) b) shall not apply to offenses committed through the press.

(5) If confiscation par. (1) b) to e) are not in place to seize money and assets up to the value.

(6) also seized, goods and money derived from the confiscation and goods produced by them, except for goods provided in par. (1) b) and lit. c).

Extended confiscation

Article 112 ^ 1

(1) are subject to seizure and goods other than those referred to in art. 112, if the person is convicted of any of the following offenses if the offense is likely to procure them any material benefit and punishment prescribed by law is imprisonment for four years or more:

- a) traffic in narcotic drugs and precursors;
- b) traffic and exploitation of vulnerable persons;
- c) offenses on the state border of Romania;
- d) laundering offense;
- e) crimes legislation on preventing and combating pornography;
- f) criminal law in the fight against terrorism;
- g) the establishment of an organized criminal group;
- h) crimes against property;
- i) failure regime arms, munitions, nuclear and explosive materials;
- j) Counterfeit coins, stamps or other values;
- k) disclosure of economic secret, unfair competition, breach of the provisions on import or export operations, embezzlement, offenses related to the import and export and the country of insertion and removal of wastes and residues;
- l) gambling offenses;
- m) corruption offenses, assimilated offenses and offenses against the financial interests of the European Union;
- n) offenses of tax evasion;
- a) offenses regarding customs;
- p) offenses of fraud committed through computer systems and electronic payment means;
- q) the traffic of organs, tissues or cells of human origin.

(2) Seizure has extended the following conditions are met:

- a) the value of assets acquired by the convicted person, within a period of five years before and, if necessary, after the time of the offense, until the date of the document instituting the proceedings, clearly exceeds the revenue it lawfully *)
- b) the court is satisfied that the goods concerned originate from criminal activities such as those provided in par. (1).

(3) For the purposes of paragraph. (2) will take into account the value of the assets transferred by the sentenced person or by a third party of a family member or a legal entity to which the convicted person has control.

(4) The goods under this Article, means and fees.

(5) In distinguishing between legal income and the assets acquired will be considered on their acquisition value of assets and expenses incurred by the convicted person, their family members.

(6) If confiscation are not in place to seize money and assets up to the value.

(7) also seized, goods and money from the operation or use of confiscation and the goods they produce.

(8) may not exceed the confiscation of assets acquired during the period under par. (2) going beyond the legitimate income levels of the convicted person.

Art. 112 ^ 1 was introduced pt. 2 of art. II of Law no. 63 of April 17, 2012, published in the Official Gazette no. 258 of 19 April 2012.

Note ----- *) By Decision no. 11 of January 15, 2015, published in the Official Gazette no. 102 of February 9, 2015, it admitted the exception of unconstitutionality of art. 112 ^ 1 par.

(2) a) of the Criminal Code, observing that they are constitutional insofar not apply extended confiscation of property acquired before the entry into force of Law no. 63/2012 amending and supplementing the Criminal Code of Romania and Law no. 286/2009 on the Criminal Code. According to art. 147 par. (1) CONSTITUTION republished in the Official Gazette. 767 of October 31, 2003 provisions of laws and ordinances in force, as well as the regulations declared unconstitutional, cease their legal effects within 45 days from publication of the decision of the Constitutional Court if, in the meantime, the Parliament or the Government, as appropriate not bring into line the unconstitutional provisions of the Constitution. During this time the provisions declared unconstitutional shall be suspended de jure. Therefore, between 2015-25 February 9 March 2015, the provisions of art. 112 ^ 1 par. (2) a) of the Criminal Code, insofar as applicable extended confiscation of property acquired before the entry into force of Law no. 63/2012 amending and supplementing the Criminal Code of Romania and Law no. 286/2009 on the Criminal Code, were suspended by law, ceasing its legal effects as of March 26, 2015, as the legislature did not intervene to modify the provisions declared unconstitutional. -----

Chapter I regime criminal liability of minors

Article 113

Criminal liability

- (1) A minor under the age of 14 years is not criminally responsible.
- (2) A minor who is aged between 14 and 16 years criminally liable only if it is proved that he committed the act with discernment.
- (3) A minor under the age of 16 years criminally liable under the law.

Article 114

The consequences of criminal liability

- (1) Compared to the minor at the time of the offense, be aged between 14 and 18 years take a non-custodial educational measures.
- (2) the minor in para. (1) can take an educational measure of imprisonment in the following cases:
 - a) if it has committed an offense for which he was an educational measure being executed or whose performance has begun before the offense of which he is judged;
 - b) when the punishment provided for the offense is imprisonment for seven years or more times life imprisonment.

Article 115

educational measures

- (1) Educational measures are non-custodial or custodial.
 1. educational non-custodial measures are:
 - a) the length of civil training;
 - b) monitoring;
 - c) depositing on weekends;
 - d) daily assistance.
 2. custodial educational measures are:
 - a) internment in an educational center;
 - b) internment in a detention center.
- (2) Choosing educational measures to be taken to the juvenile is in compliance with art. 114, according to the criteria laid down in art. 74.

Article 116

Assessment report

- (1) In its assessment of the minor, according to the criteria laid down in art. 74, the court will ask the probation service preparing a report which will include a motivated proposal regarding the nature and duration of social reintegration programs that minors should follow, as well as other obligations that may be imposed on it by the court.
- (2) the assessment report on compliance enforcement of educational measures or obligations imposed shall be prepared by the probation service in all cases the court decides on educational measures or the modification or termination of execution of the obligations imposed, except as provided in Article . 126, when it will be issued by educational or detention center.

 Alin. (2) art. Amended by section 116.15 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Chapter II regime custodial educational measures

Article 117

The training civic

- (1) The educational measure training sessions Civic is the obligation of the minor to participate in a program with a maximum duration of four months, to help them understand the legal consequences and social is exposed for committing crimes and to accountable about its future behavior.
- (2) The organization, ensuring the participation and supervision of minors during civic training course, are under the supervision of the probation service without affecting the minor's school or vocational program.

Article 118

Surveillance

educational measure of supervision consists in controlling and guiding juvenile its program daily for a period of between two and six months under the supervision of the probation service to ensure participation in school classes or training and prevention of carrying out activities or

Getting in touch with some people that might affect its calibration procedure.

Article 119

The record weekend

- (1) The educational measure of recording the weekends of requiring minors to leave the house on Saturday and Sunday, for a period between 4 and 12 weeks, except if, during this period shall to participate in certain programs or carry out certain tasks imposed by the court.
- (2) surveillance is coordinated by the probation service.

Article 120

daily assistance

- (1) The educational measure of assisting minor daily is required to comply with a schedule set by the probation service, which contains the timetable and conditions for activities and bans child.
- (2) to assist educational measure is taken daily for a period between 3 and 6 months and is coordinated supervision of the probation service.

Article 121

Obligations may be imposed on juvenile

- (1) During the execution of non-custodial educational measures, juvenile court may impose one or more of the following obligations:
 - a) to follow a course of education or training;
 - b) shall not exceed without the probation service, the territorial limit set by the court;
 - c) not be in certain places at certain sports events, cultural or other public gathering established by the court;
 - d) not to close and not communicate with the victim or members of his family, the participants in the crime or other persons determined by the court;
 - e) to report to the probation service data attached to it;
 - f) to comply with control measures, treatment or medical care.
- (2) In determining the requirement in para. (1) d) the court individually, specifically, the content of this obligation, taking into account the circumstances of the case.
- (3) Performance monitoring obligations imposed by the court is coordinated by the probation service.
- (4) During the execution of the educational measure of non-custodial probation service must notify the court if:
 - a) intervened be grounds for modification of obligations imposed by the court or termination of the performance of some of them;
 - b) supervised person does not comply with enforcement of the educational measure or perform under the conditions established its obligations.

Article 122

Modification or termination of obligations

- (1) If, during supervision, intervened grounds for either impose new obligations or increase or decrease the conditions of implementation of existing court orders modifying obligations properly to ensure the supervised person a better chance of reformation.
- (2) The court orders the suspension of enforcement of certain obligations they imposed, it considers that their maintenance is not required.

Article 123

Extension or replacement of non-custodial educational measures

- (1) If the minor does not comply with the bad faith performance conditions or obligations imposed educational measure, the court:
 - a) extend educational measures, but may not exceed the statutory maximum for this;
 - b) replacing the measure with another non-custodial educational as more severe;
 - c) replace the measure of internment in a educational center, where, initially, it was non-custodial educational measure most severe during its maximum.
- (2) In the cases referred to in paragraph. (1) a) and lit. b) if this time either are not met performance conditions or obligations imposed educational measure, the court replaces the non-custodial educational measure with the measure of an educational center.
- (3) If minors serving a custodial educational measures commits a new crime or tried for a crime previously committed competitor, the court:
 - a) the extension of the educational measure taken initially, but may not exceed the maximum prescribed by law for this;
 - b) replacing the measure initially with another non-custodial educational as more severe;
 - c) replacing the measure initially with a custodial educational measure.
- (4) In the cases referred to in paragraph. (1) a) and lit. b) and in paragraph. (3) a) and lit. b) the court may impose new obligations on the minor or enhances existing performance conditions.

Chapter III regime custodial educational measures

Article 124

Admission to an educational center

(1) The educational measure of internment in an educational center is placing the juvenile in an institution specializing in rehabilitation of minors, which will follow a program of schooling and vocational training according to his ability, and social reintegration programs.

(2) admission is disposed over a period of between one and three years.

(3) If during hospitalization juvenile commits a new crime or tried for a crime competing committed previously, the court may maintain the measure of an educational center, extending its duration not exceeding the statutory maximum, or replace it with the measure of a detention center.

(4) If the child during hospitalization showed constant interest in acquiring knowledge and professional school and made good progress with social reintegration after serving at least half the length of stay, the court may:

a) replacing admission to educational measure of assisting daily for a period equal to the duration of hospitalization executed, but no longer than six months if the person placed under the age of 18 years;

b) exemption from the educational center, if the person admitted under the age of 18 years.

(5) With the replacement enforce court or release one or more of the obligations referred to in art. 121 until reaching the duration of the hospitalization.

(6) If the minor does not comply, in bad faith, measure performance conditions or obligations daily to assist the court returns the replacement or release and enforce the remaining unexecuted during internment measure in an educational center.

(7) If committed, until the expiry time of admission of a new crime by a person under the age of 18 years and to which ordered replacement measure admission into center educative measure assisting daily court returns the replacement and has:

a) execution of the shortfall of the initial hospitalization duration of the measure, its duration can be extended up to the maximum provided by law;

b) internment in a detention center.

Article 125

Confinement in a detention center

(1) The educational measure of internment in a detention center is placing the juvenile in an institution specialized in recovering children, regime security and surveillance, which will follow intensive programs of social reintegration and programs for schooling and training according to their professional skills.

(2) Admission is disposed over a period of between two and five years, unless the punishment provided for the offense is imprisonment for 20 years or more or imprisonment for life, when admission is taken for a period 5 to 15 years.

(3) If during hospitalization juvenile commits a new crime or tried for a crime previously committed competitor, the court extended the measure of not exceeding the maximum defined in par. (2) determined in relation to the worst of the punishment provided by law for the crimes. From time period minus the educational measure enforced until judgment.

(4) If the child during hospitalization showed constant interest in acquiring knowledge and professional school and made good progress with social reintegration after serving at least half the length of stay, the court may:

a) replacing admission to educational measure of assisting daily for a period equal to the duration of hospitalization executed, but no longer than six months if the person placed under the age of 18 years;

b) exemption from the detention center if the person placed under the age of 18 years.

(5) With the replacement or release, the court requires compliance with one or more of the obligations referred to in art. 121, until reaching the duration of the hospitalization.

(6) If the minor does not comply, in bad faith, measure performance conditions or obligations daily to assist the court returns the replacement or release and enforce unexecuted remainder of the duration of the measure of internment in a detention center.

(7) If committed, until the expiry time of admission of a new crime by a person under the age of 18 years and to which ordered replacement of the measure of internment in a detention center measure to assist daily court returns on replacement and has:

a) execution of the shortfall in duration of the measure of internment in a detention center;

b) the extension of the conditions referred to in paragraph admissions. (3).

Article 126

Regime change execution

If during the execution of an educational measure custodial person, to whom the age of 18 years, is conduct which adversely affect or hinder the recovery and reintegration of others hospitalized, the court may order the continuation of the execution of education in a prison.

Article 127

Calculation of the duration of educational measures

If custodial educational measures, the provisions of art. 71-73 applies accordingly.

Chapter IV Common provisions

Article 128

Causes effects mitigation and aggravation

for crimes committed during minority causes attenuation and aggravation are considered when choosing educational measure and effect within the limits prescribed by law for every educational measure.

Article 129

Plurality of crimes

(1) In the case of offenses committed during minority shall be established and take one educational measure for all the facts, according to art. 114, taking into account the criteria set out in art. 74.

(2) In case of committing two crimes, one during and one after minorities increased offense committed during minority take an educational measure, and for the offense committed by increased establishes a penalty, then:

a) if the measure is non-custodial educational, the penalty is only executed;

b) educational measure is deprivation of liberty, and the punishment is imprisonment, the punishment is prison, which increased by a period equal to at least a quarter of the length educational measure or the rest unexecuted from the date the offense committed by increased ;

c) if the sentence imposed for the offense is life imprisonment after increased, runs only this punishment;

d) if the educational measure is deprivation of liberty, and the punishment is a fine, runs educational measure, the duration of which shall be increased by a maximum of six months, without exceeding the statutory maximum for this.

(3) In the case referred to in paragraph. (2) b) the length of sentence minus what was made of the time of the offense committed by increased until trial.

(4) In case of committing increased by two or more concurrent offenses shall first apply competition rules on crimes, then make the application of paragraph. (2).

(5) The penalty established under the provisions of par. (2) b) no penalty can be deferred under supervision or suspension of operation.

Article 130

Solving a crime committed during minority

If during the term of supervision of postponement penalty of suspension under probation or of conditional release is discovered that the person supervised committed an offense during minority for which was taken even after this period, a custodial educational measure, delaying, deferring or exempting canceled, properly applying the provisions of art. 129 par. (2) - (4).

Article 131

Limitation for criminal liability of minors

periods of limitation for criminal liability provided for in art. 154 is reduced by half for those at the time the offense was minor and are interrupted or suspended under the law for adults.

Article 132

Prescription execution of educational measures

(1) non-custodial educational measures prescribed within a period of two years from the date of the final decision that was taken.

(2) educational custodial measures are prescribed within a duration equal educational measures taken, but no less than two years.

(3) limitation of the execution is interrupted and educational measures according to the law suspended for adults.

(4) When replacing the educational measures are prescribed with respect to the execution of the educational measure heavier and flows from the date of the final judgment ordering the replacement.

Article 133

The effects of educational measures

Educational measures not attract bans, disqualifications or disabilities.

Article 134

Minor become major

(1) This Title shall apply to major at the time of the offense, were aged between 14 and 18 years.

(2) When the date of the judgment which has been taken as educational deprivation of liberty, the offender under the age of 18 years, the court, taking into account its improvement, his age and other criteria established in Article . 74 may make the execution of the educational measure in a prison.

Title VICriminal liability of legal entities

Chapter IGeneral Provisions

Article 135

Conditions of criminal liability of legal persons

- (1) Legal person, excluding state and public authorities criminally responsible for crimes committed in carrying out of the activity or interest or on behalf of the legal person.
- (2) Public institutions are not criminally liable for offenses committed in the exercise of an activity may not be the private domain.
- (3) Criminal liability of legal persons does not exclude criminal liability of individuals who helped to commit the same act.

Article 136

Penalties for legal entities

- (1) The penalties applicable to legal persons are the main and complementary.
- (2) the main penalty is fine.
- (3) The complementary penalties are:
 - a) dissolution of the legal person;
 - b) suspension of activity or any activity legal person for a period from three months to three years;
 - c) the closure of some work of the legal entity for a period of three months to three years;
 - d) the prohibition to participate in public procurement procedures for a period of one to three years;
 - e) placing under judicial supervision;
 - f) or publication conviction.

Article 137

Setting the fine for legal entities

- (1) The fine is the amount of money that the legal person is sentenced to pay the state.
- (2) The amount of the fine is determined by day-fine system. The amount of the fine a-day, between 100 and 5,000 lei, is multiplied by the number of days-fine, which is between 30 days and 600 days.
- (3) The court shall determine the number of days-fine light of the general criteria of punishment individualization. The amount corresponding amount of a day-fine shall take account of turnover in the legal entity for profit or value of the assets to other legal and other obligations of legal entities.
- (4) special limits of day-fines are between:
 - a) 60 to 180 days-fine, the law provides for the offense only fine penalty;
 - b) 120 and 240 days-fine, the law provides for imprisonment of more than 5 years, or alternatively a single fine penalty;
 - c) 180 300 day-fine, the law provides for imprisonment not exceeding 10 years;
 - d) 240 420 day-fine, the law provides for imprisonment up to 20 years;
 - e) 360 510 day-fine, the law provides imprisonment for more than 20 years or life imprisonment.
- (5) When the offense legal entity aimed to achieve a patrimony of days-fine special limits prescribed by law for the offense committed can increase by one third, without exceeding the maximum fine overall. In setting the fine will take account of the patrimony obtained or sought.

Chapter IIregime complementary punishments for legal entities

Article 138

Implementation and enforcement of complementary punishments for legal entities

- (1) Application of one or more terms are complementary when the court has found that, in the nature and gravity of the offense and the circumstances of the case, these penalties are necessary.
- (2) applying one or more additional mandatory penalties the law provides for this penalty.
- (3) complementary penalties provided for in art. 136 par. (3) b) -f) can be applied together.
- (4) Execution complementary penalties start after a final conviction.

Article 139

Dissolution of the legal person

(1) additional penalty of dissolution of the legal entity shall apply when:

- a) the legal person has been constituted in order to commit crimes;
- b) its scope was hijacked in order to commit crimes and the punishment provided for the offense is imprisonment exceeding three years.

(2) In case of failure, bad faith of one of the complementary penalties provided for in art. 136 par. (3) b) to e), the court shall order the dissolution of the legal entity.

(3) suspended.

Alin. (3) art. Section 139 was repealed. 16 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 140

Suspension of the activity of the legal entity

(1) additional penalty of the suspension is to prohibit the activity of legal person carrying out the activity or activities of one of the legal person carrying out the crime was committed.

(2) In case of failure, bad faith, the complementary penalty provided for in art. 136 par. (3) f) the court has suspended business activities or one of the legal entity to enforce the supplementary punishment, but no more than three months.

(3) If, by the deadline referred to in paragraph. (2) the additional punishment was not enforced, the court shall order the dissolution of the legal entity.

Article 141

Non legal entity dissolved or suspended activity

(1) additional penalties provided for in art. 136 par. (3) a) and lit. b) can not be applied to public institutions, political parties, trade unions, employers organizations and religious or ethnic minorities, established by law.

(2) Para. (1) applies to legal persons operating in the press.

Article 142

Closure of some work of legal entities

(1) Punishment complementary closure of outlets of the legal person is to close one or more of the workstations belonging to the legal entity for profit, the implementation of which has been operating in the offense.

(2) Para. (1) not applicable to entities operating in the press.

Article 143

Prohibition to participate in public procurement procedures

complementary punishment of prohibition to participate in public procurement procedures is the prohibition to participate, directly or indirectly, to the procedures for awarding public contracts in accordance with law.

Article 144

Placing under supervision

(1) additional penalty of placing under supervision involves conducting agent under the supervision of judicial activity comprising the offense, for a period of one year to three years.

Alin. (1) art. Amended by section 144. 17 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(2) The judicial trustee is required to notify the court if it finds that the legal person has not taken the necessary measures to prevent the commission of further offenses. If the court finds that the complaint is founded, has replaced the sentence of punishment stipulated in art. 140

Para. (2) art. Amended by section 144. 17 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(3) Placing under supervision shall not apply to legal persons mentioned in art. 141.

Article 145

Display or publication of the judgment of conviction

(1) Display the final sentence or publication is done at the expense of the legal person convicted.

(2) By displaying or publishing a conviction identity can not be disclosed to others.

(3) Display a conviction is achieved in the extract, the shape and place of the court for a period of between one month and three months.

(4) Publication of a conviction is made in the extract and in the form determined in the judgment, through written or visual media or audiovisual communication by other means, designated by the court.

(5) If the publication is in print or audiovisual court determines the number of times that can

not be greater than 10 and for publication by means other audiovisual duration may not exceed three months.

Chapter III Common provisions

Article 146

Relapse for legal entities

(1) There relapse legal person when, after a final of any conviction and to rehabilitation, legal person commits a crime again, intentionally or intentionally exceeded.

(2) In case of relapse, special limits of the punishment prescribed by law for the new offense shall be increased by half, without exceeding the general maximum of the fine.

(3) If the previous fine was not executed in whole or in part, the fine imposed for the new offense under par. (2) is added to the previous sentence or the rest of the unexecuted.

(4) The provisions of art. 42 apply accordingly.

Article 147

Mitigation and aggravation of criminal liability of legal persons

(1) In case of offenses, cases of multiple intermediate or mitigating or aggravating criminal liability, the legal entity shall apply the statutory regime fine for individuals.

(2) In case of plurality of criminal penalties complementary to different kind, with the exception of dissolution, or those of the same kind, but with different contents, are aggregated, and the complementary penalties of the same kind and the same content applies hardest .

(3) In case of multiple offenses, security measures taken under art. 112 accumulates.

Article 148

Limitation for criminal liability

Criminal liability of legal persons is prescribed under the law for the individual provisions of Art. 153-156 being applied properly.

Article 149

Prescription sentence

(1) The limitation period for enforcement of the fine for legal entities is 5 years.

(2) The complementary punishments legal persons prescribing a period of three years, which run from the date on which the fine penalty has been served or deemed as served.

(3) Article. 161, art. 162 par. (2) art. 163 and Art. 164 apply accordingly.

Article 150

Rehabilitation of legal person

Rehabilitation legal entity takes place as if, within three years from the date the additional penalty of fine or punishment has been served or deemed as served, it has not committed any other offense.

Article 151

Effects of merger and divisions legal person

(1) In case of loss of legal personality by fusion, absorption or split occurred after the crime, criminal responsibility and its consequences will be employed:

a) the legal person created by the merger;

b) the legal person absorbent;

c) the responsibility of legal entities that were created by dividing or become divided factions Heritage person.

(2) In the case under para. (1), the sentence will take into account the turnover, ie the assets of the legal person who committed the crime, and its patrimony which was forwarded each legal entity involved in the transaction.

Title VII cases eliminating the criminal liability

Article 152

effects amnesty

(1) Amnesty removes criminal liability for the offense. If incurred after conviction, it removes and enforcement of the sentence imposed, and other consequences of conviction. Fines collected before amnesty is not returned.

(2) Amnesty does not affect the safety measures on the rights of the injured person.

Article 153

Limitation for criminal liability

- (1) Limitation removes criminal liability.
- (2) Prescription does not exclude criminal liability:
 - a) crimes of genocide, against humanity and war regardless of when they were committed;
 - b) the offenses referred to in art. 188 and 189 and followed by the death of the intended victim of crime.

 Alin. (2) art. It amended by section 153. 1 of art. II of Law no. 27 of March 16, 2012, published in the Official Gazette no. 180 of March 20, 2012.

(3) Prescription does not exclude any criminal liability for offenses in para. (2) b) have not been fulfilled limitation, general or particular, the entry into force of this provision.

 Alin. (3) art. 153 was introduced pt. 2 of art. II of Law no. 27 of March 16, 2012, published in the Official Gazette no. 180 of 20 March 2012.

Article 154

The periods of limitation for criminal liability

- (1) The period of limitation for criminal liability are:
 - a) 15 years, the law provides for life imprisonment offense or imprisonment exceeding 20 years;
 - b) 10 years, the law provides imprisonment for the offense committed more than 10 years but not exceeding 20 years;
 - c) eight years, the law provides imprisonment for the offense committed more than five years but not exceeding 10 years;
 - d) five years, the law provides for the offense imprisonment exceeding one year but not exceeding five years;
 - e) three years, the law provides for the offense imprisonment not exceeding one year or a fine.
- (2) The terms provided for in this Article shall run from the date of the offense. If further offenses term starts from the date of termination action or inaction, if crime continued on last acts or omissions committed, and the crimes usually committed on the last act.
- (3) For offenses progressive limitation of criminal liability runs from the date of committing the action or inaction and calculate appropriate punishment in relation to the final outcome of the product.
- (4) In case of offenses against freedom and sexual integrity, of the trafficking and exploitation of vulnerable persons and the crime of child pornography committed against a minor, the limitation period runs from the date on which it became major. If the child died before reaching adulthood, the limitation period runs from the date of death.

 Alin. (4) art. It amended by section 154. 1 of art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of 23 May 2016.

Article 155

Interruption of limitation for criminal liability

- (1) The course of criminal liability limitation period is interrupted by performing any procedural document in question.
- (2) Each interruption to the flow of a start afresh.
- (3) The interruption of the limitation period for all participants in the crime, even if the withdrawal concerns only some of them.
- (4) The terms set out in art. 154, if they were exceeded once again be counted out any interruptions might occur.

 Alin. (4) art. Amended by section 155. 18 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(5) Admission to the principle of the application to reopen the trial is to run for a new term of limitation for criminal liability.

Article 156

Suspension of the period limitation for criminal liability

- (1) The course of criminal liability limitation period is suspended during both a legal provision or circumstances unforeseeable or unavoidable preclude the establishment or continuation of criminal proceedings trial.
- (2) The limitation period resumes the day it ceased due to suspension.

Article 157

Lack of prior complaint

- (1) For crimes for which criminal action implementation is conditional on the introduction of a prior complaint from the injured party, the absence of such complaints removes criminal liability.
- (2) The act that brought harm to several persons criminally liable even if the prior complaint was made only by one of them.
- (3) The act criminally liable for all natural or legal persons who participated in the commission

of the offense, even if the prior complaint was made only on one of them.

(4) If the injured person is a person without capacity or with limited legal capacity or a legal person is the perpetrator, criminal proceedings can move on its own accord.

(5) If the injured person has died or if this legal entity was liquidated before the deadline set by law for placing the complaint, criminal proceedings may be instituted ex officio.

Article 158

Withdrawal prior complaint

(1) The withdrawal of prior complaint can intervene to give final judgment in the case of offenses for which the initiation of criminal proceedings is conditional on the introduction of a prior complaint.

(2) The withdrawal of prior complaint removes the criminal responsibility of the person on which the complaint was withdrawn.

(3) For persons deprived of legal capacity, withdrawal of prior complaint is only by their legal representatives. For people with limited legal capacity withdrawal is done with the consent of the persons specified by law.

(4) In case of offenses for which the initiation of criminal proceedings is conditional on the introduction of a prior complaint, but criminal proceedings were set in motion ex officio by law, withdrawal of the complaint takes effect only if it is endorsed by the prosecutor.

Article 159

reconciliation

(1) The reconciliation can occur if the initiation of criminal proceedings was made automatically if expressly required by law.

(2) Reconciliation removes criminal and civil action off.

(3) Reconciliation effect only on persons from intervening if it happens to read the document instituting the proceedings *).

Note _____ *) By Decision no. 508 of October 7, 2014, published in the Official Gazette no. 843 of November 19, 2014, it admitted the exception of unconstitutionality of art. 159 par. (3) of the Criminal Code, finding that they are constitutional insofar as it applies to all defendants arraigned before the entry into force of Law no. 286/2009 on the Criminal Code and that at the time when the document instituting reading had been exceeded. According to art. 147 par. (1) CONSTITUTION republished in the Official Gazette. 767 of October 31, 2003 provisions of laws and ordinances in force, as well as the regulations declared unconstitutional, cease their legal effects within 45 days from publication of the decision of the Constitutional Court if, in the meantime, the Parliament or the Government, as appropriate not bring into line the unconstitutional provisions of the Constitution. During this time the provisions declared unconstitutional shall be suspended de jure. Therefore, between November 19 2014-2 January 2015, the provisions of art. 159 par. (3) of the Criminal Code, to the extent that does not apply to all defendants arraigned before the entry into force of Law no. 286/2009 on the Criminal Code and that at the time when the document instituting reading had been exceeded, were suspended by law, ceasing its legal effects as of January 3, 2015, as the legislature did not intervene to modify the provisions declared unconstitutional. _____

(4) For persons deprived of legal capacity, reconciliation is only by their legal representatives, and persons with limited legal capacity may reconcile with the consent of the persons specified by law.

(5) If a legal person, reconciliation is achieved by its legal representative or conventional or designated person instead. Reconciliation occurred between the legal person that committed the offense and the injured party will not have effects for individuals who participated in the commission of the same facts.

(6) If the offense is committed by the legal person injured, the provisions of art. 158 par. (4) apply accordingly.

Title VIII causes that removes or modifies the execution of the sentence

Article 160

effects pardon

(1) A pardon is ceases, in whole or in part, or commutation of sentence in another one easier.

(2) A pardon shall have no effect on complementary punishments and custodial educational measures, unless when otherwise by the act of pardon.

- (3) A pardon does not affect the safety measures on the rights of the injured person.
 (4) A pardon does not affect the sentences whose execution is suspended under supervision, except where otherwise provided by the act of pardon.

Article 161

Prescription sentence

- (1) Limitation removes the execution of the principal penalty.
 (2) The limitation period does not preclude enforcement of sentences main event:
 a) crimes of genocide, against humanity and war regardless of when they were committed;
 b) the offenses referred to in art. 188 and 189 and followed by the death of the intended victim of crime.

 Alin. (2) art. It amended by section 161. 3 of Art. II of Law no. 27 of March 16, 2012, published in the Official Gazette no. 180 of March 20, 2012.
 (3) The limitation period does not remove the main punishment or execution for crimes under par.
 (2) b) for which the entry into force of this provision, the limitation period has not expired execution.

 Alin. (3) art. 161 was introduced pt. 4 of art. II of Law no. 27 of March 16, 2012, published in the Official Gazette no. 180 of 20 March 2012.

Article 162

Limitation periods of sentence

- (1) limitation of punishment for individuals are:
 a) 20 years, when the penalty to be enforced is life imprisonment or imprisonment exceeding 15 years;
 b) five years, plus the penalty to be enforced, but no more than 15 years, the other prison;
 c) three years, in case the punishment is a fine.
 (2) The terms referred to in paragraph. (1) are counted from the date when the sentence became final.
 (3) Upon revocation or cancellation of postponement penalty, suspended sentence under supervision or parole, the limitation period runs from the date the judgment became final revocation or cancellation.
 (4) Upon revocation of parole, according to art. 104. (1), the limitation period runs from the date when the decision became final revocation and counted against the remaining unexecuted punishment.
 (5) When replacing the fine with imprisonment, the limitation period runs from the date when the decision became final replacement and calculated in relation to duration of imprisonment.
 (6) Complementary punishments for individuals and security measures not prescribed.
 (7) that runs punishment means punishment set by the court, taking into account the causes subsequent amendments.

Article 163

Interruption of prescription sentence

- (1) the limitation period of the sentence is interrupted by the beginning of the execution of the sentence. Evading the execution after the start of sentence, is to run a new limitation period from the date of theft.
 (2) the performance of the limitation period is interrupted again and committing a crime.
 (3) the limitation period of enforcement of the fine is interrupted by replacing the obligation to pay the fine with the obligation to perform community service work.

Article 164

Suspension of the period prescribed sentence

- (1) during the period of execution of the sentence is suspended in the prescription and the conditions set out in the Code of criminal proceedings.
 (2) The limitation period resumes the day it ceased due to suspension.

Title IX cases eliminating the consequences of conviction

Article 165

Rehabilitation as

rehabilitation takes place as if conviction to fine, to imprisonment not exceeding two years or to imprisonment the execution of which was suspended under supervision if within three years the convict did not commit another crime.

Article 166

judicial rehabilitation

(1) The convict can be rehabilitated at the request of the court, after the expiry of the following deadlines:

- a) four years in case of conviction to imprisonment for more than two years but not exceeding five years;
- b) 5 years in case of conviction to imprisonment for more than five years but not exceeding 10 years;
- c) 7, when the sentence to imprisonment of more than 10 years in the case of life imprisonment penalty, switched or replaced with imprisonment;
- d) 10 years if sentenced to life imprisonment, considered executed following the pardon, the expiration of the limitation of sentence or parole.

(2) The convict died until the expiry of rehabilitation may be restored if the court assessing the behavior of the convict to death, believes that it is worth the benefit.

Article 167

Calculation term rehabilitation

(1) The period provided for in art. 165 and Art. 166 from the date when the principal penalty execution has ended or the date when it was prescribed.

(2) For those sentenced to fine, term starts once the fine has been paid in full or executing it died otherwise.

(3) In case of pardon or total pardon of the rest of the penalty period begins on the date the act of pardon, if at the time the sentence was final, or the date of the final judgment of conviction, if the act of pardon refers to offenses pending.

(4) In the case of suspension under supervision of the sentence, the term starts from the expiration of the supervision time.

(5) In the case of successive sentences, the rehabilitation period was calculated in relation to the heavy penalty and flows at the date of the last sentence.

Article 168

Conditions judicial rehabilitation

application for judicial rehabilitation is admitted if the convict meets the following conditions:

- a) no other crime committed in the time set in the art. 166;
- b) pay all costs and to fulfill civil obligations established by the sentence, unless it proves that it was not possible to meet or dropped when the civil compensation.

Article 169

Effects law or judicial rehabilitation

(1) Rehabilitation to cease disqualifications and prohibitions and incapacities resulting from conviction.

(2) Rehabilitation requirement does not result in function reintegration of the convict was removed after conviction or playback military rank lost.

(3) Rehabilitation does not affect the safety measures.

Article 170

Renewal application for judicial rehabilitation

(1) In case of rejecting the application for rehabilitation, can not introduce a new application only after a period of one year, which is reckoned from the date the application is rejected by a final decision.

(2) The terms in the art. 168 must be satisfied for the time that preceded the new request.

(3) The request rejected for failure conditions can be renewed according to the form of the Code of criminal proceedings.

Article 171

Reversing the Rehabilitation

Rehabilitation court will be canceled when, after allocating it was found that the rehabilitated committed an offense which, had it been known, would have led to refusal of rehabilitation.

Title X Meaning of words or phrases in criminal law

Article 172

General Provisions

Whenever criminal law uses a term or phrase from those shown in this way, meaning it is provided in the following Articles, unless otherwise criminal law.

Article 173

Criminal law

criminal law means any criminal provision contained in organic laws, ordinance and other laws that their adoption had the force of law.

Article 174

An offense

by committing a crime or an offense means committing any of the acts that the law punishes as a crime or attempted consumed, and participation in their commission as co-author, instigator or accomplice.

Article 175

Public servant

(1) Civil servants, for the purposes of criminal law, an individual who, permanently or temporarily, with or without remuneration:

- a) carrying out the duties and responsibilities established by law in order to achieve the prerogatives of the legislative, executive and judicial;
- b) exercising a public dignity or public office of any kind;
- c) exercise, alone or with others, in an autonomous, of another operator or a legal entity owned or majority state tasks related to achieving the object of its activity.

Lit. c) the paragraph. (1) art. 175 was amended by section. 19 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(2) It is also considered a civil servant within the meaning of criminal law, the person who exercises a public service which was invested by public authorities or is subject to control or supervision of the completion of their respective public service.

Article 176

Public

The public term includes all the public authorities, public institutions and other legal entities that manage or exploit publicly owned property.

Article 177

Family member

(1) The family member means:

- a) ascendants and descendants, brothers and sisters, their children, and people became by adoption law, such relatives;
- b) the spouse;
- c) persons who established relationships similar to those between spouses or between parents and children, where they live.

(2) The provisions of criminal law concerning family member within the limits set in par. (1) a) apply in case of adoption, and the person adopted or its offspring in relation to natural relatives.

Article 178

State secret information and official documents

(1) Information state secret classified information such law.

(2) The official document is any document that emanates from a person of the referred article. 176 or the person referred to in art. 175 par. (2) or belonging to such persons.

Article 179

arms

(1) Arms are instruments, devices or parts declared as such by law.

(2) are treated as any other objects such weapons to be used as weapons which were used for the attack.

Article 180

Electronic payment instrument

through electronic payment instrument means an instrument that allows the holder to make cash withdrawals, loading and unloading a tool of electronic money and transfers of funds, other than those ordered and executed by financial institutions.

Article 181

Computer system and computer data

(1) The computer system is any device or assembly of devices interconnected or related devices, one or more automatic processing of data by using a computer program.

(2) The information data is any representation of facts, concepts or information in a form that can be processed by a computer system.

Article 182

Exploitation of persons

by exploiting a person means:

- a) submission to the execution of a work or performance of services, forcibly;
- b) maintaining the state of the slave or other similar processes or by subjection confinement;
- c) forced into prostitution, pornographic manifestations in the production and dissemination of pornographic or other forms of sexual exploitation;
- d) order begging;
- e) removal of organs, tissues or cells of human origin illegally.

Lit. e) art. 182 was amended by section. 20 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 183

Severe consequences

through very serious consequences means a material damage than 2,000,000 lei.

Article 184

Act committed in public

act is deemed committed in public when it occurred:

- a) a place which by its nature or destination is always accessible to the public, even if no one is present;
- b) in any other publicly accessible place if you are against two or more persons;
- c) in a place inaccessible to the public, but with the intention that the act be heard or seen if this result occurred against two or more persons;
- d) in an assembly or meeting more people, except for meetings which can be considered to have family, because of the nature of relations between those participating.

Article 185

Wartime

The wartime means during a state of mobilization of the armed forces or during a state of war.

Article 186

averaging

- (1) In calculating time is counted on 24 hours, 7 days week and year of 12 months. Month and year are counted met the day before the day corresponding to the date from which they started to run.
- (2) If the limit of punishment is expressed within the month is not divisible by fraction increase or reduction that would apply fraction will apply the term turned into days, after which time shall be converted in months . In this case, the moon is reckoned 30 days and counting only days resulting from application of the fraction.
- (3) If the penalty limits expressed in years apply properly the provisions of par. (2), the conversion being made between the years and months.

Article 187

Punishment prescribed by law

The punishment prescribed by law is meant punishment provided in the draft law criminalizing the act committed in the form consumed without consideration of causes of reduction or increase punishment.

SPECIAL SECTION

Title I Crimes against the person

Chapter I Crimes against life

Article 188

murder

- (1) Killing a person is punished with imprisonment from 10-20 years and deprivation of certain rights.
- (2) The attempt shall be punished.

Article 189

murder

(1) Murder committed in any of the following circumstances:

- a) the first degree;
- b) material of interest;
- c) to evade or to steal another from criminal liability or serving a sentence;
- d) to facilitate or conceal committing another crime;
- e) by a person who has previously committed a crime of murder or attempted murder offense;
- f) on two or more persons;
- g) against a pregnant woman;
- h) cruelty,

punishable by life imprisonment or imprisonment for 15-25 years and deprivation of certain rights.

(2) The attempt shall be punished.

Article 190

Killing the request of the victim

Murder committed at the explicit request, serious, conscious and repeated victim who suffered from an incurable disease or infirmity serious documented medical, causing suffering permanent and unbearable, is punished with imprisonment from one to five years .

Article 191

Determination of aiding suicide or

(1) The act of a person cause or facilitate suicide, if suicide took place, shall be punished with imprisonment for 3-7 years.

(2) When the offense provided for in paragraph. (1) was committed to a minor aged between 13 and 18, to a person diminished, the penalty is imprisonment from 5 to 10 years.

(3) causing or aiding suicide committed against a minor under the age of 13 years or to a person who could not realize the consequences of actions or inactions or could not control them, if suicide held, shall be punished with imprisonment from 10-20 years and deprivation of certain rights.

(4) If the acts causing or aiding in para. (1) - (3) were followed by a suicide attempt, the special limits of the sentence is reduced to half.

Article 192

Involuntary manslaughter

(1) The killing of a person by negligence shall be punished with imprisonment from one to five years.

(2) Killing negligent failure to comply with laws or measures for the provision of a profession or trade or to perform an activity shall be punished with imprisonment for 2-7 years. When violation of the law or of precautionary measures is itself a crime contest rules apply crimes.

(3) If the act was committed caused the death of two or more people, special limits of the sentence provided in par. (1) and. (2) is increased by half.

Chapter IICrimes against bodily integrity or health

Article 193

Hitting or other violence

(1) Striking or acts of violence causing physical suffering shall be punished with imprisonment from three months to two years or a fine.

(2) The act which produces injuries or damage to health of a person whose gravity is measured by days of medical care for more than 90 days, shall be punished with imprisonment from six months to five years or a fine.

(3) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Article 194

injury

(1) The act referred to in Art. 193, that caused any of the following:

- to) disability;
 - b) injuries or damage to health of a person who needed to cure more than 90 days of medical care;
 - c) aesthetically serious and permanent injury;
 - d) abortion;
 - e) endangering the life of the person,
- shall be punished with imprisonment for 2-7 years.

(2) When the act was committed in order to produce one of the consequences provided for under par. (1) a) point b) and lit. c), the penalty is imprisonment from 3-10 years.

(3) The attempt at offense under par. (2) shall be punished.

Article 195

Bodily injury causing death

If any of the acts referred to in art. 193 and Art. 194 resulted in death of the victim, the penalty is imprisonment from 6-12 years.

Article 196

Involuntary bodily injuries

(1) The act referred to in Art. 193 par. (2) intentionally committed by a person under the influence of alcohol or a psychoactive substance or an activity that is itself a crime punishable by imprisonment from three months to one year or a fine.

(2) The action referred to in Art. 194 par. (1) intentionally committed is punished with imprisonment from 6 months to 2 years or fine.

(3) When the offense provided for in paragraph. (2) has been committed as a result of failure to comply with laws or precautions exercise of a profession or trade or to perform a certain activity, the penalty is imprisonment from six months to three years or a fine.

(4) If the consequences provided in par. (1) - (3) were produced from two or more people, special limits of the penalty shall be increased by one third.

(5) If non-compliance with laws or measures of foresight or the activity that led to the commission of the acts in para. (1) and. (3) is itself an offense competition rules apply crimes.

(6) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Article 197

Ill-treatment of minors

endangering serious measures or treatments of any kind of physical, mental or moral development of minors by parents or persons in whose care the minor shall be punished with imprisonment from 3-7 years and deprivation of certain rights.

Article 198

brawl

(1) Participation in a brawl between several persons shall be punished by imprisonment from three months to one year or a fine.

(2) If during the scuffle caused injury to one or more persons and it is unknown which of the participants produced therefore applies to all imprisonment from one to five years, except the victim, responsible par. (1).

(3) When the offense committed under par. (2) caused death to a person, the penalty is imprisonment from 6-12 years, and if you caused the death of two or more people, special limits of the penalty shall be increased by one third.

(4) There is injured who was caught in the skirmish against his will or tried to separate them from others.

Chapter III Offenses committed against a family member

Article 199

Domestic violence

(1) If the deeds stipulated in art. 188, art. 189 and Art. 193-195 are committed against a family member, maximum of the punishment provided by law shall be increased by a quarter.

(2) the offenses provided in art. 193 and Art. 196 committed against a family member, criminal proceedings may be instituted ex officio. Reconciliation removes criminal liability.

Article 200

Killing or injury of newborn committed by the mother

(1) The killing of newborn baby immediately after birth, but no later than 24 hours committed by his mother in a state of mental disorder shall be punished with imprisonment from one to five years.

(2) If the deeds stipulated in art. 193-195 committed against children newborn immediately after birth, but no later than 24 hours, the mother in a state of mental disorder, special limits of the penalty shall be one month, respectively three years.

Chapter IV Aggression fetus

Article 201

Abortions

(1) Abortions committed in any of the following circumstances:

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

b) by a person who is not a physician specialized obstetrics and gynecology and the right of free practice in this specialty;

c) if exceeded fourteen weeks of pregnancy, is punished with imprisonment from six months to three years or a fine and deprivation of rights.

(2) Abortions, committed under any circumstances, without the consent of the pregnant woman shall be punished with imprisonment for 2-7 years, and deprivation of rights.

(3) If the acts referred to in paragraph. (1) and. (2) to cause expectant mother bodily injury, the penalty is imprisonment from 3-10 years deprivation of rights, and if the offense resulted in the death of the pregnant woman, the punishment is imprisonment from 6-12 years deprivation of rights.

(4) the conduct has been committed by a physician, in addition to imprisonment, deprivation will apply to the medical profession.

(5) The attempt to offenses under par. (1) and. (2) shall be punished.

(6) not considered a criminal termination of pregnancy in therapy performed by a doctor specialized obstetrics and gynecology, until gestational age of twenty-four weeks, and subsequent discontinuation of pregnancy for therapeutic purposes in the interest of the mother or fetus .

(7) Do not punish pregnant women who interrupt their pregnancy.

Article 202

harm fetus

(1) Injury to the fetus during birth, which prevented the onset of ectopic life is punishable by imprisonment for 3-7 years.

(2) Injury to the fetus during birth, causing injury after a child is punished with imprisonment from one to five years and that resulted in the child's death penalty is imprisonment for 2-7 years.

(3) Injury to the fetus during pregnancy, which was caused after a child's injury, shall be punished with imprisonment from three months to two years, and if it resulted in the child's death penalty is imprisonment from six months to three years.

(4) The damage committed fetus during birth by his mother in a state of mental disorder shall be punished with the punishment provided in par. (1) and. (2), the limits of which are reduced to half.

(5) If the deeds provided in par. (1) - (4) were committed by negligence, special punishment limits are reduced by half.

(6) do not constitute criminal offenses the conduct referred to in paragraph. (1) - (3) committed by a doctor or a person authorized to attend the birth or seek pregnancy if they were committed in the course of care, in compliance with the profession and were made in the interest of the pregnant woman or fetus because of the risk inherent in the exercise of care.

(7) Injury to the fetus during pregnancy by pregnant woman is not punished.

Chapter V Crimes on duty to provide assistance to those in distress

Article 203

Leaving without help a person in distress

(1) Failure to give necessary help or to immediately notify authorities by the person who found a person whose life, physical integrity or health is in danger and not possible to save punishable by imprisonment from 3 months to one year or a fine.

(2) The act is an offense if, by granting the author would be exposed to a serious danger to the life, limb or health.

Article 204

Preventing aid

preventing intervention on aid for rescuing a person from an imminent and serious danger to life, limb or health is punished by imprisonment from one to three years or a fine.

Chapter VI Crimes against personal freedom

Article 205

Deprivation of liberty unlawfully

(1) Deprivation of liberty of a person illegally are punished with imprisonment from one to seven years.

(2) It is considered confinement and abduction of a person unable to express their will or to defend.

(3) If the offense is committed:

a) by a gunman;

b) upon a minor;

c) endanger the health or life of the victim,
the punishment is imprisonment from 3 to 10 years.

(4) If the act resulted in the victim's death, the penalty is imprisonment from 7-15 years deprivation of rights.

(5) The attempt to offenses under par. (1) - (3) shall be punished.

Article 206

threat

(1) The act of threatening a person with a crime or an act prejudicial against him or another person, whether it is liable to produce a state of fear, is punished with imprisonment from three months to one year fine without penalty imposed shall not exceed the penalty provided for the offense which has been threatened.

(2) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Article 207

blackmail

(1) The forcing of people to give, do not do or suffer anything in order to gain unjustly a patrimonial benefit, for himself or for another, shall be punished with imprisonment from one to five years.

(2) The same punishment applies threat revelation of a real or imaginary, compromising the person threatened or to a family member thereof, for the purpose referred to in paragraph. (1).

(3) If the deeds provided in par. (1) and. (2) have been carried out in order to acquire an unduly patrimony for itself or for another, the penalty is imprisonment from 2 to 7 years.

Article 208

harassment

(1) The act of which repeatedly seeks no right or without a legitimate interest, a person or oversee home, work or other places frequented by it, causing her such a state of fear, punishable with imprisonment for 3-6 months or a fine.

(2) Making phone calls or communications by means of distance communication which, by frequency or content, it causes fear a person, shall be punished with imprisonment from one month to three months or a fine if the act does not constitute a more serious offense.

(3) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Chapter VII Trafficking and exploitation of vulnerable persons

Article 209

Slavery

Placing or holding a person in slavery and the slave trade shall be punished with imprisonment from 3-10 years deprivation of rights.

Article 210

Trafficking

(1) recruitment, transportation, transfer, harboring or receipt of a person in order to exploit its committed:

- a) coercion, abduction, deception or abuse of authority;
- b) taking advantage of the impossibility to defend or to express their will or particularly vulnerable status of that person;
- c) offering, giving or receiving money or other benefits in exchange for the consent of a person having control over that person, shall be punished with imprisonment for 3-10 years, deprivation of certain rights.

(2) Human trafficking committed by a public official in the performance of their duties shall be punished with imprisonment for 5-12 years.

(3) trafficking victim's consent is not relevant supporting.

Art. 210 amended by section. 21 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 211

Trafficking in minors

(1) The recruitment, transportation, transfer, harboring or receipt of a child, in order to exploit it, shall be punished with imprisonment from 3-10 years deprivation of rights.

(2) The punishment is imprisonment from 5 to 12 years and deprivation of certain rights when:

- a) the offense was committed under art. 210 par. (1);
- b) the offense was committed by a public official in the performance of duties;
- c) the offense endangered the life of a minor;
- d) the offense was committed by a family member of a minor;
- e) the offense was committed by a person in whose care, protection, education, protection or treatment is minor or a person having abused their recognized position of trust or authority over the minor.

Alin. (2) art. Amended by section 211. 2 of art. I Emergency Ordinance no. 18 of May 18, 2016

published in the Official Gazette. 389 of May 23, 2016.

(3) trafficking victim's consent is not relevant supporting.

Article 212

Submission to forced or compulsory labor

act of subjecting a person, in cases other than those provided for in the laws, to perform a work against his will or compulsory labor is punishable by imprisonment from one to three years.

Article 213

pimping

(1) causing or aiding prostitution or profiting from prostitution property by one or more persons shall be punished with imprisonment for 2-7 years, and deprivation of rights.

(2) When determining the start or continuation of prostitution was made under duress, punishment is imprisonment from 3 to 10 years and deprivation of certain rights.

(3) If the acts are committed against a minor, special limits of the penalty shall be increased by half.

(4) maintenance of prostitution means sexual acts with individuals in order to obtain economic benefits for himself or for another.

Article 214

exploitation of begging

(1) Any person who causes a minor or a person with physical or mental to appeal repeatedly to the mercy of asking for material aid or benefit from property from this activity is punished with imprisonment from 6 months to 3 years or a fine.

(2) If the offense is committed in the following circumstances:

a) the parent, guardian, trustee or by a person who takes care of begging;

b) by coercion,

punishment is imprisonment from one to five years.

Article 215

The use of a minor for begging

act adult who has the capacity to work, calls repeatedly at the mercy, asking for help content, using for this purpose the presence of a minor, is punished by imprisonment from 3 months to 2 years or a fine.

Article 216

Using the services of a run

deed to use the services provided in art. 182, supplied by a person whom the recipient knows is a victim of human trafficking or child trafficking is punished with imprisonment from six months to three years or a fine if the act does not constitute a more serious offense.

Article 216 ^ 1

Using prostitution

Maintenance any sexual act with a minor in prostitution is punishable by imprisonment from three months to two years or a fine if the act does not constitute a more serious offense.

Art. 216 ^ 1 was introduced pt. 3 of Art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of 23 May 2016.

Article 217

That attempting

Attempted offenses set forth in art. 209-211, art. 213 par. (2) art. 216 216 ^ 1 shall be punished.

Art. 217 amended by section. 4 of art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of 23 May 2016.

Chapter VIII Crimes against sexual freedom and integrity

Article 218

rape

(1) Sexual intercourse, intercourse oral or anal sex with a person committed under duress, commissioning unable to defend or to express their will or taking advantage of this state, shall be punished with imprisonment from 3-10 years deprivation of rights.

(2) The same punishment is any act of vaginal or anal penetration committed under par. (1).

- (3) The punishment is imprisonment from 5 to 12 years and deprivation of certain rights when:
- a) the victim is in the care, health, education, security, or treatment of the perpetrator;
 - b) the victim is related in direct line, brother or sister;
 - c) the victim is a minor;

Lit. c) the paragraph. (3) art. Amended by section 218. 5 of art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of May 23, 2016.

- d) offense has been committed for the purpose of producing pornographic material;
- e) the offense resulted in injury;
- f) the offense was committed by two or more people together.

(4) If the act resulted in the victim's death, the penalty is imprisonment from 7-18 years deprivation of rights.

(5) Criminal proceedings for the offense in para. (1) and. (2) shall be initiated upon prior complaint from the injured person.

(6) The attempt to offenses under par. (1) - (3) shall be punished.

Article 219

sexual assault

(1) sexual act other than those laid down in art. 218, a person committed under duress, commissioning unable to defend themselves or express their will or taking advantage of this state, shall be punished with imprisonment for 2-7 years, and deprivation of rights.

(2) The punishment is imprisonment from 3 to 10 years and deprivation of certain rights when:

- a) the victim is in the care, health, education, security, or treatment of the perpetrator;
- b) the victim is related in direct line, brother or sister;
- c) the victim is a minor;

Lit. c) the paragraph. (2) art. 219 was amended by section. 6 of art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of May 23, 2016.

- d) offense has been committed for the purpose of producing pornographic material;
- e) the offense resulted in injury;
- f) the offense was committed by two or more people together.

(3) If the act resulted in the victim's death, the penalty is imprisonment from 7-15 years deprivation of rights.

(4) If acts of sexual assault were preceded or followed by committing sexual acts provided for in art. 218 par. (1) and. (2) the act constitutes rape.

(5) Criminal proceedings for the offense in para. (1) shall be initiated upon prior complaint from the injured person.

(6) The attempt to offenses under par. (1) and. (2) shall be punished.

Article 220

Sexual intercourse with a minor

(1) Sexual intercourse, oral or anal intercourse and other acts of vaginal or anal penetration committed with a minor aged between 13 and 15 years shall be punished with imprisonment from one to five years.

(2) act in para. (1) committed against a minor who has not attained the age of 13 years shall be punished with imprisonment for 2-7 years, and deprivation of rights.

(3) act in para. (1) committed by a major with a minor aged between 15 and 18 years, shall be punished with imprisonment for 2-7 years deprivation of rights if:

- a) the child is a family member of the majority;
- b) the child is in care, protection, education, protection or treatment of the perpetrator or he abused recognized position of trust or authority over the minor or the particular vulnerability of the latter resulting from a mental or physical disability or as following a dependent;
- c) the offense endangered the life of a minor;
- d) has been committed for the purpose of producing pornographic material.

Alin. (3) art. It amended by section 220. 7 of art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of May 23, 2016.

(4) act in para. (1) and (2) shall be punished with imprisonment from 3-10 years deprivation of certain rights when:

- a) the child is a family member;
- b) the child is in care, protection, education, protection or treatment of the perpetrator or he abused a recognized position of trust or authority over the minor;
- c) the offense endangered the life of a minor;
- d) has been committed for the purpose of producing pornographic material.

Alin. (4) art. It amended by section 220. 7 of art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of May 23, 2016.

(5) The acts referred to in paragraph. (1) and. (2) shall not be sanctioned if the age difference does not exceed 3 years.

(6) The attempt to offenses under par. (1) - (4) shall be punished.

Alin. (6) art. 220 was introduced by section. 8 of art. I Emergency Ordinance no. 18 of May 18,

2016 published in the Official Gazette. 389 of 23 May 2016.

Article 221

Sexual corruption of minors

(1) The commission of a sexual act other than that referred to in art. 220 against a minor under the age of 13 years and determine the minor to bear or carry out such an act shall be punished with imprisonment from one to five years.

(2) The punishment is imprisonment from 2-7 years deprivation of certain rights when:

- a) minor is relative in direct line, brother or sister;
- b) the child is in the care, health, education, security, or treatment of the perpetrator;
- c) offense has been committed for the purpose of producing pornographic material.
- d) the offense endangered the life of the child.

Lit. d) of par. (2) art. 221 was introduced by section. 9 of art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of May 23, 2016.

(3) The sexual act of any nature committed by a major in the presence of a minor under the age of 13 years shall be punished with imprisonment from six months to two years or a fine.

(4) Determination by a major to a minor under the age of 13 years to assist in the commission of acts of flasher or performances or performances in which they commit sexual acts of any kind and making available pornographic material shall be punished with imprisonment from three months to one year or a fine.

(5) The acts referred to in paragraph. (1) shall not be sanctioned if the age difference does not exceed 3 years.

(6) The attempt to offenses under par. (1) and (2) shall be punished.

Alin. (6) art. 221 was introduced pt. 10 art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of 23 May 2016.

Article 222

Recruitment of minors for sexual purposes

deed major person to propose a minor under the age of 13 years to meet, in order to commit an act of those in art. 220 or art. 221, including when the proposal was made by means of distance communication shall be punished by imprisonment from one month to one year or a fine.

Article 223

sexual harassment

(1) claiming repeatedly favors of a sexual nature in an employment relationship or a relationship similar if this victim was intimidated or put in a situation humiliating, is punished with imprisonment from three months to one year or a fine.

(2) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Chapter IX Crimes which affect home and privacy

Article 224

Breaking and entering

(1) penetration without, in any way, in a house, room, premises or place surrounded taking them without the consent of the person using them, or refusing to leave them upon request shall be punished with imprisonment from 3 months to two years or a fine.

(2) If the offense is committed by gunmen overnight or by using false impersonations, the penalty is imprisonment from six months to three years or a fine.

(3) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Article 225

Violation of professional headquarters

(1) penetration without, in any way, in any premises where a legal or natural person carry out their professional activity or refusal to leave at the request of the entitled person shall be punished with imprisonment from three months to two years or a fine.

(2) If the offense is committed by gunmen overnight or by using false impersonations, the penalty is imprisonment from six months to three years or a fine.

(3) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Article 226

Invasion of privacy

(1) violations of privacy, without right, by shooting, trapping or capturing images, listening with technical means or audio recording of a person in a house or room or outbuilding taking this or a private conversation is punishable by imprisonment from one month to six months or fine.

(2) disclosure, dissemination, presentation or transmitting unlawfully, sounds, or images

provided in par. (1), to another person or to the public, shall be punished with imprisonment from three months to two years or a fine.

(3) Criminal proceedings shall be initiated upon prior complaint from the injured person.

(4) not considered a criminal act committed:

- a) by the person who attended the meeting with the injured party in which they were captured sounds, conversations or images if a legitimate interest;
- b) if the injured person to take an explicit intention to be seen or heard by the perpetrator;
- c) if the perpetrator of a crime or committing capture contribute to the proof of an offense;
- d) if surprised public that have meaning to community life and public disclosure advantages outweigh the damage caused to the injured person.

(5) Placing without law means audio recording or video, to commit the acts in para. (1) and. (2) can be arrested by one to five years.

Article 227

Disclosure of professional secrecy

(1) Disclosure without law, data or information on the private life of a person likely to cause injury to a person, the one who learned about them by virtue profession or position and shall maintain the confidentiality of on these data, shall be punished with imprisonment from three months to three years or a fine.

(2) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Title II Offenses against property

Chapter I Theft

Article 228

theft

(1) Taking a movable possession or detention of another without consent, in order to and it himself unjustly punished with imprisonment from six months to three years or a fine.

(2) The act is theft and if the property belongs to all or part of the perpetrator, but when committing the good that was in the possession or lawful detention of another person.

(3) It is considered movable and records, electricity, and any other kind of energy that has economic value.

Article 229

Robbery

(1) Theft in the following circumstances:

- a) in a means of transport;
- b) during the night;
- c) a person masked or disguised disguised;
- d) the intrusion, escalation or without using a key as a key true or false;
- e) decommissioning of alarm or surveillance system shall be punished with imprisonment from one to five years.

(2) If the theft has been committed in the following circumstances:

- a) on a good part of the cultural heritage;
- b) by trespassing or professional office;
- c) a person with a gun, the penalty is imprisonment for 2-7 years.

(3) Theft of the following categories of goods:

- a) crude oil, gasoline, condensed, liquid ethane, gasoline, diesel fuel, other petroleum products and natural gas pipelines, storage tanks, tank cars or;
- b) components of irrigation systems;
- c) components of electric networks;
- d) a signaling device or system, alarm or alert in case of fire or other public emergency;
- e) a means of transport or other means of intervention on fire in railway accidents, road, sea or air or disaster;
- f) safety devices and traffic control rail, road, water, air and components, and components of vehicles involved;
- g) the acquisition of goods which are endangering the safety of traffic and persons on public roads;
- h) cables, lines, telecommunications equipment and installations, radio and communications components, shall be punished with imprisonment from 3-10 years.

Article 230

Theft purposes of use

(1) Theft which provides a vehicle committed in order to use unfairly sanctioned with the punishment stipulated in art. 228 or art. 229, as appropriate, whose particular limits are reduced by one third.

(2) The penalty in para. (1) as sanctioned use with a communication terminal of another, or the

use of a communication terminal connected to a network with as if there was a loss.

Article 231

Prior complaint and reconciliation

(1) The facts set out in this chapter, committed between family members by a minor against guardian or by the person who lives with the injured party or hosted by it, shall be punished only complaint of the injured party.

(2) If the deeds stipulated in art. 228, art. 229 par. (1), para. (2) b) and c) and art. 230, reconciliation removes criminal liability.

Art. 231 amended by section. 23 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 232

That attempting

Attempted offenses under this chapter shall be punished.

Chapter II Robbery and piracy

Article 233

Robbery

Theft by use of violence or threats or making the victim unconscious or inability to defend and theft followed by the use of such means for keeping the property stolen or to remove traces of the crime or because the perpetrator to provide escape shall be punished by imprisonment for 2-7 years, and deprivation of rights.

Article 234

armed robbery

(1) rip committed in the following circumstances:

a) use of weapons or explosives, narcotics or paralysis;

b) the official quality simulation;

c) a person masked or disguised disguised;

d) during the night;

e) a means of transport or on a means of transport;

f) trespassing or professional office, shall be punished with imprisonment from 3-10 years deprivation of rights.

(2) Robbery committed under art. 229 par. (3) shall be punished with imprisonment for 5-12 years and interdiction of certain rights.

Alin. (2) art. Amended by section 234. 24 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(3) The same punishment is robbery which resulted in injury.

Article 235

piracy

(1) Theft committed by violence or threats by a person who is part of the crew or the passengers of a ship in high seas, the goods that are on that vessel or another vessel shall be punished with imprisonment from 3-15 years deprivation of rights.

(2) The penalty in para. (1) shall be sanctioned and capturing a ship in high seas or the fact of causing, by any means, shipwreck or its failure, in order to acquire its cargo or persons on board robbery.

(3) If piracy resulted in injury, the penalty is imprisonment from 5-15 years deprivation of rights.

(4) There piracy even if the act was committed on an aircraft or between aircraft and ships.

Article 236

Or piracy robbery followed by death of the victim

If the deeds stipulated in art. 233-235 resulted in the death of the victim, the penalty is imprisonment from 7-18 years deprivation of rights.

Article 237

That attempting

Attempted offenses set forth in art. 233-235 punished.

Chapter III Offenses against property by disregarding confidence

Article 238

Infraction of faith

(1) Acquisition, disposal or use, unfairly, a movable of another, the one who has been entrusted under a title and a particular purpose, or refusal of return shall be punished with imprisonment from three months to two years or a fine.

(2) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Article 239

Breach of trust by defrauding creditors

(1) The act of the debtor to dispose of, conceal, damage or destroy, in whole or in part, values or goods of its assets or to invoke acts or debts fictitious order fraud of creditors shall be punished with imprisonment from six months to three years or a fine.

(2) The same punishment applies Any person who, knowing that he could not pay, buy goods or services causing a loss creditor.

(3) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Article 240

simple bankruptcy

(1) Failure or late introduction, the debtor natural person or legal representative of the debtor legal person, the application for opening insolvency proceedings within a period exceeding more than 6 months period prescribed by law from the occurrence of insolvency is punishable by imprisonment from three months to one year or a fine.

(2) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Article 241

fraudulent bankruptcy

(1) Any person who, in fraud of creditors:

a) forge, steal or destroy records of the debtor or hide part of its assets;

b) depict nonexistent debts or presents books debtor in another act or in the financial statement amounts wrongly paid;

c) disposes, in the case of default of the borrower, the active part can be arrested in from 6 months to 5 years.

(2) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Article 242

fraudulent management

(1) infliction of damage to a person at management or conservation of its assets, by the person who has or had to take care management or conservation of those goods shall be punished with imprisonment from six months to three years or a fine.

(2) When the offense provided for in paragraph. (1) was committed by the receiver, liquidator debtor's or an agent or representative thereof, be punished with imprisonment from one to five years.

(3) The actions specified in para. (1) and. (2) committed in order to acquire a patrimony shall be punished with imprisonment for 2-7 years.

(4) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Article 243

Acquiring property found or caught the offender error

(1) Failure to deliver within 10 days or authorities found a good man who has lost or has that good as his is punished with imprisonment from one month to three months or a fine.

(2) The same punishment applies and misappropriation of a movable belonging to another, reached by error or by chance in possession of the perpetrator, or non-delivery it within 10 days from the time knew that the property does not belong .

(3) Reconciliation removes criminal liability.

Article 244

deception

(1) Misleading a person by presenting as true a fact false or misleading of accepted truths, in order to obtain for himself or for another a patrimony unjust and if it caused an injury, is punishable by imprisonment from six months to three years.

(2) Deception committed using false names or attributes or other fraudulent means shall be punished with imprisonment from one to five years. If fraudulent means is itself an offense, the rules on competition offenses.

(3) Reconciliation removes criminal liability.

Article 245

Deception Insurance

(1) The destruction, damage, brought into disuse, hide or transfer of a good secured against damage, degradation, wear, loss or theft, in order to obtain, for itself or for another, the sum assured, can be arrested by one to five years.

(2) Any person who, for the purposes set out in paragraph. (1), simulating, they cause or worsen damage or injury caused by a risk is punished by imprisonment from 6 months to 3 years or fine.

(3) Reconciliation removes criminal liability.

Article 246

Misappropriation of public tenders

act of removing, by coercion or corruption, an attendant at a public auction or understanding between the Participants to distort the price of adjudication shall be punished with imprisonment from one to five years.

Article 247

Patrimonial exploitation of a vulnerable person

(1) The act creditor who, while putting borrow money or goods, taking advantage of the state particularly vulnerable debtor, due to age, health, infirmity or relationship of dependency in which the debtor is to him, makes him constitute or convey for himself or for another, a real right or claim value manifestly disproportionate to the benefit shall be punished with imprisonment from one to five years.

(2) Putting a person in a state of obvious vulnerability by causing poisoning with alcohol or psychoactive substances in order to persuade it to agree to the creation or transmission of a real right or claim or waive a right, if there was a loss shall be punished with imprisonment for 2-7 years.

Article 248

That attempting

Attempted offenses set forth in art. 239 par. (1), Art. 241 and Art. 244-247 punished.

Chapter IV fraud committed through computer systems and electronic payment means

Article 249

Computer fraud

, changing or deleting data, restricting access to such data or hindering in any way the operation of a computer system in order to obtain a benefit for himself or another, whether caused damage a person is punished with imprisonment for 2-7 years.

Article 250

Performing financial operations fraudulently

(1) executing a cash withdrawal, loading or unloading a tool of electronic money or transfer funds using without consent of the owner of an electronic payment instrument or identification data that allow its use is punished with imprisonment for 2-7 years.

(2) The same punishment is performing one of the operations referred to in para. (1) through the unauthorized use of any identification data or by using false identification data.

(3) unauthorized transmission to another person any identification data in order to perform one of the operations referred to in paragraph. (1) can be arrested by one to five years.

Article 251

Accepting financial operations performed fraudulently

(1) Acceptance of an operation to withdraw cash, loading or unloading a tool of electronic money or transfer funds, knowing that it is carried out using an electronic payment instrument forged or used without the consent of its owner, is punished with imprisonment one to five years.

(2) The same punishment is accepting one of the operations referred to in para. (1), knowing that it made unauthorized use of any identification data or by using false identification data.

Article 252

That attempting

Attempted offenses under this chapter shall be punished.

Chapter V Destruction and disturbance of possession

Article 253

destruction

(1) Destroying, damaging or rendering disuse of property belonging to another or to prevent the taking of conservation or saving of such property and the lifting of the measures taken shall be punished with imprisonment from three months to two years or fine.

(2) The destruction of a document under private signature, belonging wholly or in part to another person and serves to prove a right patrimonial, if this was a loss, is punished with imprisonment from six months to three years or fine.

(3) If the act in para. (1) relates to goods belonging to the cultural heritage, the penalty is imprisonment of one to five years.

(4) The destruction, degradation or brought into disuse of property, committed by arson, explosion or any other such means and is likely to endanger other persons or property, shall be punished with imprisonment from 2-7 years.

(5) The provisions of par. (3) and. (4) applies even if the property belongs to the perpetrator.

(6) For the acts referred to in paragraph. (1) and. (2) Criminal action is initiated upon prior complaint from the injured person.

(7) Attempted acts in para. (3) and. (4) shall be punished.

Article 254

destruction qualified

(1) If the deeds stipulated in art. 253 resulted in a disaster, the penalty is imprisonment from 7-15 years deprivation of rights.

(2) The disaster is the destruction or degradation of immovable property or the works, equipment, plants or parts thereof and which resulted in the death or injury of two or more persons.

Article 255

Destruction negligence

(1) The destruction, degradation or brought into disuse, negligence, a good, even if it belongs to the offender, if the offense is committed by arson, explosion or any other similar means and is likely to put a danger to others or property, shall be punished with imprisonment from three months to one year or a fine.

(2) If the facts have resulted in a disaster, the penalty is imprisonment from 5-12 years.

Article 256

Possession Disorder

(1) Employment in whole or in part, without right, by violence or threat or elimination or relocation of signs landmark, a building owned by another shall be punished by imprisonment from one to five years or a fine.

(2) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Chapter VI

Crimes have produced serious consequences

Chapter VI of Title II was introduced pt. 11 of Art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of 23 May 2016.

Article 256 ^ 1

Acts that have produced serious consequences

if the facts referred to in art. 228, 229, 233, 234, 235, 239, 242, 244, 245, 247, art. 249-251 produced serious consequences, special limits of the sentence provided by law shall be increased by half.

Art. 256 ^ 1 was introduced pt. 11 of Art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of 23 May 2016.

Title III offenses on authority and state borders

Chapter IOffenses against authority

Article 257

outrage

(1) Threat committed directly or by means of direct communication, hitting or other violence, physical harm, bodily injury causing death or murder committed against a public official who performs any function involving the exercise of state authority, which in the exercise of work related to the exercise of such powers shall be sanctioned with the penalty provided by law for the offense, whose special limits shall be increased by one third.

(2) an offense against a public official who performs a function involving the exercise of state

authority or on his assets, the purpose of intimidation or retaliation in connection with the exercise of their duties, shall be punished with the punishment provided by law for that offense whose special limits shall be increased by one third.

(3) The same punishment applies acts committed under par. (2) if they concern a family member of the public servant.

(4) The facts set out in para. (1) - (3) committed against a police officer or constable, who was in the line of duty or in connection with the exercise of these powers is sanctioned with the punishment provided by law for the offense, whose limits are increased by half.

Article 258

The usurpation of official qualities

(1) unlawful use of official qualities involving the exercise of state authority, accompanied or followed by the performance of any act connected with the quality, is punished with imprisonment from six months to three years or a fine.

(2) The same punishment applies deed civil servant who continues to exercise a function involving the exercise of state authority, after losing this right under the law.

(3) If the deeds provided in par. (1) or paragraph. (2) were committed by a person wearing no right, uniforms or distinguishing marks of a public authority, the penalty is imprisonment of one to five years.

Article 259

Theft or destruction of documents

(1) Stealing or destroying a document that is in keeping times in owning one of the persons referred to in Article. 176 or art. 175 par. (2) can be arrested by one to five years.

(2) If the offense is committed by a public official in the line of duty, special limits of the penalty shall be increased by one third.

(3) The attempt shall be punished.

Article 260

Breaking the seals

(1) Removing or destroying a legal seal affixed shall be punished by imprisonment from three months to one year or a fine.

(2) If the act was committed by the custodian, the penalty is imprisonment from six months to two years or a fine.

Article 261

Stealing seized

(1) Theft of property is seized legally punishable by imprisonment from three months to one year or a fine.

(2) If the act was committed by the custodian, the penalty is imprisonment from six months to two years or a fine.

Chapter II Offenses on the State Border

Article 262

Illegally crossing the state border

(1) Entry or exit the country by illegally crossing the state border of Romania shall be punished with imprisonment from six months to three years or a fine.

(2) If the act in para. (1) has been committed:

a) the purpose of circumventing the criminal liability or serving a sentence or educational measure, deprivation of liberty;

b) by a foreigner who has been declared undesirable or prohibited in any way to enter or stay in the country, the punishment is imprisonment from one to five years.

(3) The attempt shall be punished.

(4) act in para. (1) committed by a victim of trafficking or juvenile, not punished.

Article 263

Smuggling

(1) recruitment, mentoring, guidance, transportation, transfer or harboring of a person for the purpose of illegal border crossing Romanian state shall be punished with imprisonment for 2-7 years.

(2) When the offense was committed:

a) in order to obtain, directly or indirectly, a proprietary;

b) by means which endanger the life, integrity or health of migrants;

c) subjecting migrants to inhuman or degrading punishment shall be imprisonment from 3-10 years deprivation of rights.

(3) The attempt shall be punished.

Article 264

Facilitating illegal stay in Romania

(1) Any person who facilitates, by any means, remains illegal in Romania of a person victim of a crime of trafficking in persons, minors and migrant, who is a Romanian citizen or residing in Romania are punishable by imprisonment of one to five years and deprivation of certain rights. If the means used is in itself an offense, the rules on competition offenses.

(2) When the offense was committed:

a) in order to obtain, directly or indirectly, a proprietary;

b) by a public servant during the line of duty, the punishment is imprisonment for 2-7 years, and deprivation of rights.

(3) When the acts referred to in paragraph. (1) and. (2) committed on another illegal aliens in Romania, special limits of the penalty is reduced by one third.

Article 265

Circumvent the measures removal of Romania

evading the obligations imposed by the competent authorities of the alien to who ordered the removal from the Romanian territory or was ordered prohibition on residence, is punished with imprisonment from 3 months to two years or a fine.

Title IV Offenses against justice

Article 266

denouncing

(1) Any person who, having knowledge of the commission of an offense under criminal law against life or resulted in death of a person, not immediately by authorities is punished with imprisonment from six months to two years or a fine.

(2) failure to disclose committed by a family member is not punished.

(3) Do not punish the person who, before the initiation of criminal proceedings against a person for the act nedeunţate, încunoştinţează competent authorities about this or that, even after the initiation of criminal proceedings, facilitated the criminal liability of the author or participants.

Article 267

failure notification

(1) The civil servant, having obtained knowledge of the commission of an offense under criminal law in connection with the service in which it performs its duties, fails to immediately notify the prosecuting authorities is punishable by imprisonment from three months to three years or fine.

(2) When the offense is committed by negligence, the penalty is imprisonment from three months to one year or a fine.

Article 268

Misleading the judicial authorities

(1) criminal complaint, made by a denunciation or complaint of the existence of an offense under criminal law or in connection with the commission of such acts by a person, knowing that it is unreal, is punished with imprisonment from six months to three years or a fine.

(2) Production or ticluirea false evidence in order to prove the existence of an offense under criminal law or commission of the offense by a person, shall be punished with imprisonment from one to five years.

(3) No person who has committed is punishable misleading judicial authorities, if they declare before detention, arrest or the initiation of criminal proceedings against the person against whom the complaint or have been terminated or product samples, denunciation, complaint or samples are false.

Article 269

favoring the perpetrator

(1) Helping the offender in order to hinder or îngreunării investigations in a criminal case, criminal responsibility, execution of a sentence or in custody is punishable by imprisonment from one to five years or a fine.

(2) The sentence imposed promotants can not be greater than the punishment provided for the offense committed by the author.

(3) Promote committed by a family member is not punished. *)

Article 270

concealment

(1) Receipt, acquisition, processing or facilitating recovery of property by a person either knew or foresaw the specific circumstances that it comes from the commission of an offense under criminal law, even without knowing it, is punished by imprisonment from one to five years or a fine.

(2) The sentence imposed t inuitorului can not be greater than the punishment provided for the offense committed by the author.

(3) Concealment committed by a family member is not punished.

Article 271

obstruction of justice

(1) A person who, being warned of the consequences of his act:

a) prevent, without law, prosecution body or court to conduct, under the law, a procedural act;
b) refuses to provide criminal investigative body, court or bankruptcy judge, in whole or in part, data, information, documents or assets owned, which were requested explicitly by law, to resolve a causes, shall be punished with imprisonment from three months to one year or a fine.

(2) Para. (1) does not apply if the person prosecuted or sentenced for the offense which forms the subject of criminal proceedings.

Article 272

influencing statements

(1) Attempts to cause or induce a person, regardless of its quality, by corruption, by coercion or by any other act having a clearly intimidating, committed on her or on a family member thereof, not sense the prosecution not to make statements, to withdraw their statements, false statements to give or not to give evidence in a criminal, civil or other legal proceedings shall be punished with imprisonment from one to five years. If act of intimidation or corruption is itself an offense, the rules on competition offenses.

(2) It is an offense patrimonial understanding of offender and the injured party, which took the offenses for which criminal proceedings are initiated upon prior complaint or intervening reconciliation.

Article 273

perjury

(1) The act witness who, in a criminal, civil or any other procedure that hears witnesses makes untrue statements or do not tell everything he knows about the facts and circumstances essential on that is asked is punishable by imprisonment from six months to three years or a fine.

(2) Perjury committed:

- a) a protected identity or subject to control by the witness protection program;
- b) an undercover;
- c) a person who draws up an expert report or an interpreter;
- d) in relation to an offense for which the law provides for life imprisonment or imprisonment for 10 years or more is punishable by imprisonment from one to five years.

(3) The author is not punishable if it withdraws testimony in criminal cases before the detention, arrest or the initiation of criminal proceedings or in other cases before have ruled or to be given another solution, due to perjury.

Article 274

Revenge for helping justice

an offense against a person or a family member thereof, on the ground that notified the prosecution gave statements or presented evidence in a criminal, civil or any other procedure of those provided in art. 273, shall be punished with the punishment provided by law for the offense, whose special limits shall be increased by one third.

Article 275

The theft or destruction of evidence or documents

(1) removing, destroying, retaining, concealing or alteration of sample material means or documents, in order to prevent discovery of the truth in a judicial proceeding, can be arrested from 6 months to 5 years.

(2) The same punishment is prevention, otherwise, as a document necessary to solve a case, issued by a judicial body or address to reach the recipient.

Article 276

Repealed.

Art. 276 was repealed by art. unique Law no. 159 of December 4, 2014, published in the Official Gazette no. 887 of 5 December 2014.

Article 277

Compromising the interests of justice

(1) Disclosure without law, confidential information on date, time, place, manner or means to receive a trial by a judge or another public official who has knowledge of them by virtue of office, if thereby can be hampered or prevented prosecution, shall be punished with imprisonment from three months to two years or a fine.

(2) Disclosure without law, evidence or official documents in a criminal case, before it has a solution not to indict or final settlement of the case by a public official who has knowledge of in virtue of this, shall be punished with imprisonment from one month to one year or a fine.

(3) Disclosure without the right information in a criminal case by a witness, expert or interpreter, when this prohibition is imposed by criminal procedure law, shall be punished with imprisonment from one month to one year or fine.

(4) not considered a criminal act that is disclosed or disclosed manifestly illegal acts or activities committed by authorities in a criminal case.

Article 278

Violation solemnity hearing

The use of words or gestures insulting or obscene, likely to disrupt the work of the court by a person participating or assisting in proceedings taking place in court, punishable by imprisonment from one month to three months or fine.

Article 279

judicial outrage

(1) Threatening, hitting or other violence, physical harm, bodily injury causing death or murder committed against a judge or prosecutor was in the line of duty, shall be punished with the punishment provided by law for the offense, whose special limits shall be increased by half.

(2) an offense against a judge or prosecutor or against his assets, the purpose of intimidation or retaliation in connection with the exercise of their duties, shall be punished with the punishment provided by law for the offense, whose special limits shall be increased by half.

(3) The same punishment applies acts committed under par. (2) if they concern a family member of the judge or prosecutor.

(4) Para. (1) - (3) apply accordingly and acts committed against a lawyer in relation to the profession.

Article 280

research abuse

(1) The use of promises, threats or violence against a person prosecuted or tried in a criminal case by a criminal investigation body, a prosecutor or a judge, to cause it to give or not to give statements to give statements false or withdraw his statements, shall be punished with imprisonment for 2-7 years deprivation of the right to hold public office.

(2) The same punishment is manufacture, counterfeiting or false ticluirea samples by a criminal investigation body, a prosecutor or a judge.

Article 281

Harsh treatment

(1) Submission of a person from serving a sentence, security measures or education other than that required by the laws shall be punished with imprisonment from six months to three years and deprivation of the right to hold public office.

(2) Submission to degrading treatment or inhuman a person in a state of arrest, detention or in execution of a security measure or educational deprivation of liberty, shall be punished with imprisonment from one to five years and deprivation of the right to occupy public office.

Article 282

Torture

(1) The act of a public employee performs any function involving the exercise of state authority or other person acting at the instigation of or with the consent or acquiescence of its people to cause a strong physical or mental suffering:

a) to obtain from that person or a third person information or statements;

b) to punish her for an act he or a third person has committed or is suspected of having committed;

c) in order to intimidate or put pressure on it or to intimidate or put pressure on a third person;

d) a reason based on any form of discrimination, shall be punished with imprisonment for 2-7 years, and deprivation of rights.

(2) If the act in para. (1) resulted in bodily injury, the penalty is imprisonment from 3 to 10 years and deprivation of certain rights.

(3) The torture that resulted in death of the victim is punished with imprisonment from 15-25 years and deprivation of certain rights.

(4) The attempt at offense under par. (1) shall be punished.

(5) No exceptional circumstance, whatever it is, whether it is a state of war or a threat of war,

internal political instability or any other state of exception can not be invoked to justify torture. It also can not be relied upon order of a superior or public authority.

(6) do not constitute torture pain or suffering arising only from lawful sanctions that are inherent in such sanctions or caused by them.

Article 283

unjust repression

(1) The act of putting criminal action, taking a preventive measure non-custodial or to prosecute a person, knowing that the innocent is punished with imprisonment from three months to three years and deprivation of rights to hold public office.

(2) Detention or arrest or conviction of a person, knowing that the innocent is punished with imprisonment from 3-10 years deprivation of the right to hold public office.

Article 284

Assistance and representation unfair

(1) The act lawyer or representative of a person in understanding fraudulent with a person with conflicting interests in the same case, in judicial proceedings or notary harms the interests of the client or the represented person shall be punished with imprisonment from three months to a year or a fine.

(2) The same punishment applies fraudulent understanding of the attorney or representative of a person and a third party interested in the solution to be given in question in order to harm the interests of the client or the person represented.

(3) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Article 285

escape

(1) Escape from state legal restraint or detention shall be punished with imprisonment from six months to three years.

(2) When escape is committed by use of violence or weapons, the penalty is imprisonment of one to five years and deprivation of certain rights.

(3) It is considered Escape:

a) unjustified failure to convict the place of detention, following the period in which was legal at large;

b) leave without authorization by the convicted person, workplace, located outside of the prison.

(4) The sentence imposed for the crime of escape is added to the rest of the sentence was not executed on the escape.

(5) The attempt to offenses under par. (1) and. (2) shall be punished.

Article 286

Aiding escape

(1) Facilitated by any means of escape can be arrested by one to five years.

(2) Facilitating the escape of:

a) committed by use of violence, weapons, drugs or stun;

b) two or more persons in the same circumstances;

c) a person detained or arrested for an offense punishable by law with imprisonment for life or imprisonment for 10 years or more times condemned to such penalty shall be punished with imprisonment for 2-7 years deprivation of rights .

(3) If the deeds provided in par. (1) and. (2) committed by a person who had the duty of guarding the arrested or detained special limits of the penalty shall be increased by one third.

(4) Facilitating the escape, intentionally committed by an individual who had the duty of guarding the one who escaped shall be punished with imprisonment from three months to two years.

(5) The attempt to offenses under par. (1) - (3) shall be punished.

Article 287

Failure judgments

(1) Failure of a judgment committed by:

a) opposition to execution by resistance to the enforcement body;

b) refusing enforcement body to enforce a judgment, which is required to perform a specific act;

c) refusal to support the enforcement body in the implementation of the judgment by persons who have the obligation under the law;

d) non-judgment ordering the reinstatement of an employee at work;

e) non-enforcement by the wage within 15 days from the date of request for enforcement to the employer by the interested party;

f) failure judgments establishing payment, updating and recalculation of pensions;

g) prevent a person from using, in whole or in part, a building owned by a judicial decision, by one who is enforceable against the decision, shall be punished with imprisonment from three months to two years or a fine.

h) failure of protective measures ordered in the execution of a European protection order.

Lit. h) a paragraph. (1) art. 287 was introduced by pt. 1 of art. 25 of Law no. 151 of July 13, 2016 published in the Official Gazette no. 545 of July 20, 2016.

(2) If the acts in letter d) -g), criminal proceedings shall be initiated upon prior complaint from the injured person.

(3) If the act in para. (1) h) a reconciliation removes criminal liability.

Alin. (3) art. 287 was introduced pt. 2 of art. 25 of Law no. 151 of July 13, 2016 published in the Official Gazette no. 545 of 20 July 2016.

Article 288

Failure penalties

(1) Evading the failure by law enforcement or sanction or accessories or additional security measure provided for in art. 108 lit. b) and lit. c) by the individual against whom the sanctions ordered shall be punished with imprisonment from three months to two years or a fine if the act does not constitute a more serious offense.

(2) Stealing the execution of an educational measure of deprivation of liberty by desertion as the educational center or detention center or by not beyond the period that was legally at liberty shall be punished with imprisonment from three months to a year or a fine.

(3) Failure by the trustee or manager of complementary penalties imposed on legal persons among those referred to in art. 141 shall be punished with fine.

Title V Crimes of corruption and service

Chapter I Crimes of corruption

Article 289

Bribery

(1) The act of a public employee, directly or indirectly, for himself or for other claims or receives money or other advantages not due to him or accepts the promise of such benefits in connection with the performance, failure, speed up or delay the fulfillment of act falling within the duties of his office or in connection with the performance of an act contrary to these duties, shall be punished with imprisonment for 3-10 years, deprivation of the right to hold public office or to practice or work in performance of which the committed the crime.

Alin. (1) art. Amended by section 289. 25 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(2) act in para. (1) committed by one of the persons mentioned in art. 175 par. (2) an offense only when committed in connection with the failure, delay the fulfillment of a legal act concerning his duties or in connection with a act contrary to these duties.

(3) The money, valuables or any other goods received are confiscated, and when they can not be found, the confiscation by equivalent.

Article 290

Bribery

(1) Promising, offering or giving money or other benefits in terms shown in art. 289 shall be punished with imprisonment for 2-7 years.

(2) act in para. (1) is not a crime when the briber has been constrained by any means by the person who took bribes.

(3) The briber is not punished if denounce deed before the prosecuting authority is notified thereof.

(4) The money, valuables or any other goods data is returned to the person who gave them, if they were given in the case referred to in paragraph. (2) or dates set out in paragraph denunciation.

(3).

(5) The money, valuables or any other goods or data provided are subject to confiscation, and when they can not be found, the confiscation by equivalent.

Article 291

Trading in influence

(1) demanding, receiving or accepting the promise of money or other benefits, directly or indirectly, for himself or for another person, committed by a person who has influence or to believe that he has influence over an official and what promises it will cause him to meet, not meet, to expedite or delay the performance of an act falling within the duties of his office or perform an act contrary to these duties, shall be punished with imprisonment for 2-7 years.

(2) The money, valuables or any other goods received are confiscated, and when they can not be found, the confiscation by equivalent.

Article 292

Buying influence

(1) Promising, offering or giving money or other benefit for himself or for another person, directly or indirectly, a person who has influence or to believe that he has influence over a public official to induce him to perform, not meet to expedite or delay the performance of an act falling within the duties of his office or perform an act contrary to these duties, shall be punished with imprisonment for 2-7 years, and deprivation of rights.

Alin. (1) art. Amended by section 292. 26 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(2) The perpetrator is not punished if denounce the deed before the prosecuting authority is notified thereof.

(3) The money, valuables or any other goods are returned to the person who gave them, if they were issued after the denunciation referred to in paragraph. (2).

(4) The money, valuables or any other goods or provided data will be confiscated, and if they can not be found, the confiscation by equivalent.

Article 293

Acts committed by members of the arbitration court or in connection with these provisions of art. 289 and Art. 290 apply accordingly to persons who, based on an arbitration agreement is called upon to give a ruling on a dispute that is given to the settlement by the parties to this Agreement, whether the arbitration procedure is conducted under the law Romanian or under another law.

Article 294

Acts committed by foreign officials or in connection with these provisions of this chapter apply to the following persons, whether by international treaties to which Romania is a party provides otherwise:

- a) officials or persons operating under a contract of employment or other person performing similar duties in an international public organization to which Romania is a party;
- b) members of parliamentary assemblies of international organizations to which Romania is a party;
- c) officials or persons operating under a contract of employment or other person exercising similar functions in the Union;

Lit. c) art. 294 was amended by section. 27 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

d) persons exercising judicial functions in international courts whose jurisdiction is accepted by Romania and officials grafts such courts;

e) officials of a foreign state;

f) members of parliamentary or administrative assemblies of a foreign state.

g) the jury of the foreign courts.

Lit. g) the art. 294 was introduced by section. 28 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Chapter II Offenses service

Article 295

embezzlement

(1) Acquisition, use or trafficking by a public official in his interest or for another, money, securities or other assets which manages or administers shall be punished with imprisonment for 2-7 years deprivation of the right to hold public office.

(2) The attempt shall be punished.

Article 296

abusive behavior

(1) The use of offensive language against a person by the one in the line of duty is punishable by imprisonment from one month to six months or fine.

(2) The threat or hitting or other violence committed under par. (1) shall be punished with the punishment provided by law for the offense, whose special limits shall be increased by one third.

Article 297

Abuse of office

(1) The act of a public employee in the line of duty, does not meet the act or fulfills improperly and thereby causes damage or harm to the rights or interests of an individual or a legal person shall be punished by imprisonment for 2-7 years deprivation of the right to hold public office. *)

Note _____ *) Note: by Decision no. 405 of June 15, 2016, published in the Official Gazette no. 517 of July 8, 2016, it admitted the exception of unconstitutionality regarding art. 297 par. (1) of the Criminal Code constanându themselves as they are constitutional insofar as the phrase "performs badly 'in their means" meets in violation of law. " According to art. 147 par. (1) CONSTITUTION republished in the Official Gazette. 767 of October 31, 2003 provisions of laws and ordinances in force, as well as the regulations declared unconstitutional, cease their legal effects within 45 days from publication of the decision of the Constitutional Court if, in the meantime, the Parliament or the Government, as appropriate not bring into line the unconstitutional provisions of the Constitution. During this time the provisions declared unconstitutional shall be suspended de jure. Finally, between July 8 2016-21 August 2016, the provisions mentioned above were suspended by law, to the extent that the phrase "performs badly 'in them do not understand" meets the violations "încetându- and legal effect, on august 22, 2016, to the extent that the phrase "performs badly 'in them do not understand" meets in violation of the law "and the legislature did not intervene to modify the contested provisions.

(2) The same punishment is sanctioned act of a public employee in the line of duty, restricts the exercise of a right of any person or creates this situation of inferiority based on race, nationality, ethnic origin, language, religion, sex , sexual orientation, political affiliation, wealth, age, disability, non-contagious disease or HIV / AIDS.

Article 298

Negligence

in culpable violation by a public official of duties, failure to comply with it or carrying it flawed, if this causes damage or harm to the rights or interests of an individual or a legal entity shall be punished with imprisonment from three months to three years or a fine. *)

Article 299

Misuse function in sexual purposes

(1) The act of a public employee in order to perform, not perform, expedite or delay the performance of an act concerning the duties of his office or in order to make an act contrary to these duties, claims or obtain favors from nature sex from a person directly or indirectly from the effects of that act of service shall be punished with imprisonment from six months to three years and deprivation of the right to hold public office or to practice or work in performance of the offender.

(2) requesting or obtaining favors of a sexual nature by a public official who makes use or advantage of a position of authority or superiority over the victim, arising from its position, is punished with imprisonment from three months to two years or a fine and deprivation of the right to hold public office or to practice or work in performance of the offender.

Article 300

Usurpation tool

act of a public employee during service fulfills an act does not fall within its remit, if this happened one of the consequences provided for in art. 297 shall be punished with imprisonment from one to five years or a fine.

Article 301

Conflict of interest

(1) The act of a public employee in the line of duty, he performed an act or participated in a decision that was obtained, directly or indirectly, a patrimony for himself, for his spouse, a relative or to a marriage up to second degree inclusive or for another person who was in labor relations over the past five years or which party received or receives advantages of any nature shall be punished with imprisonment from one to five years and a ban exercise of the right to hold public office. *)

Alin. (1) art. 301 amended by deleting "commercial relations", according to the Constitutional Court Decision no. 603 of October 6, 2015, published in the Official Gazette no. 845 of 13 November 2015.

Note _____ *) By Decision no. 603 of October 6, 2015, published in the Official Gazette no. 845 of November 13, 2015, it admitted the exception of unconstitutionality regarding art. 301 par. (1) of the Criminal Code, observing that the phrase "commercial relations" is unconstitutional. According to art. 147 par. (1) CONSTITUTION republished in the Official Gazette. 767 of October 31, 2003 provisions of laws and ordinances in force, as well as the regulations declared unconstitutional, cease their legal effects within 45 days from publication of the decision of the Constitutional Court if, in the meantime, the Parliament or the Government, as appropriate not bring into line the unconstitutional provisions of the Constitution. During this time the provisions declared unconstitutional shall be suspended de jure. Therefore, between 2015-27 November 13 December 2015, the term "commercial relations" referred to in art. 301 par. (1) of the Criminal Code has been suspended by law, ceasing its legal effects as of December 28, 2015, as the legislature did not intervene to modify the contested provisions. _____

(2) Para. (1) does not apply to the issuing, approval and adoption laws.

Article 302

Violation of secrecy of correspondence

(1) Opening, theft, destruction or retention, without right of correspondence sent another, and disclosure without the right content of such communications, even when it was sent open or opened accidentally, shall be punished by imprisonment from three months to one year or a fine.

(2) The interception without right, of a call or communication by telephone or by any electronic means of communication shall be punished with imprisonment from six months to three years or a fine.

(3) If the deeds provided in par. (1) and. (2) were committed by a public official has a legal obligation of professional secrecy and confidentiality to which it has access, the penalty is imprisonment of one to five years and interdiction of certain rights.

(4) disclosure, dissemination, presentation or disclosure to another person or to the public, without right, of the contents of conversations or communications intercepted, even if the perpetrator is aware of this mistake or accident, punishable by imprisonment from three months to two years or a fine.

(5) not considered a criminal act committed:

a) if the perpetrator of a crime or committing capture contribute to the proof of an offense;
b) surprising the public who have significance for community life and public disclosure advantages outweigh the damage caused to the injured person.

(6) The holding or manufacturing without the right, the specific means of interception of communications or recording is punished by imprisonment from 3 months to 2 years or fine.

Alin. (6) art. Amended by section 302. 29 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(7) For acts in para. (1) Criminal action is initiated upon prior complaint from the injured person.

Alin. (7) of art. Section 302 was introduced. 30 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 303

Disclosure of state secret information

(1) disclosure, without right of state secret information by one who knows because of duties, if this is against the interest of legal persons among those referred in art. 176 shall be punished with imprisonment for 2-7 years, and deprivation of rights.

(2) Ownership, without right, outside their official duties, a document containing state secret information, can affect the activity of one of the institutions provided for in Article. 176 shall be punished with imprisonment from three months to two years or a fine.

(3) A person holding a document containing state secret information, which may affect the activity of one of the institutions provided for in Article. 176 not surrender immediately punished if the body or institution issuing the document.

Article 304

Disclosure secrets or nonpublic

(1) disclosure, without right, of intelligence service or not for publicity, the one who knows because of duties, if this is against the interest or activity of a person, shall be punished

with imprisonment from 3 months to three years or a fine.

(2) Disclosure without law, of intelligence service or not for publicity, by one who was aware of them, shall be punished with imprisonment from one month to one year or a fine.

(3) If the deed provided in para. (1) and. (2) has committed a crime against the undercover investigator, the protected witness or person included in the program of witness protection, the penalty is imprisonment for 2-7 years, and if there had been intentional crime against life, the punishment is imprisonment from 5-12 years.

Article 305

Negligent retention of information

(1) Negligence which results in the destruction, alteration, loss or theft of a document containing state secret information and negligence that occasioned another person finding such information shall be punished with imprisonment from three months to one year or with fine .

(2) The same punishment is provided for in art works. 303 par. (1) and Art. 304, if committed by negligence.

Article 306

Obtaining illegal funds

(1) The use or production of documents or false, inaccurate or incomplete, to receive approval or warranty relating to the grant funding obtained or guaranteed by public funds if it results in undue such funds shall be punished with imprisonment from 2 to 7 years.

(2) The attempt shall be punished.

Article 307

Embezzlement

(1) Change destination of funds or material resources allocated to public authorities or public institutions, with the legal provisions shall be punished with imprisonment from one to five years.

(2) The same punishment applies and change without the legal provisions, the destination of the funds from the financing obtained or guaranteed by public funds.

(3) The attempt shall be punished.

Article 308

Corruption offenses and committed service to others

(1) The provisions of art. 289-292, 295, 297-301 and 304 concerning public officials apply accordingly and offenses committed by or in respect of persons exercising permanent or temporary, with or without remuneration, a commission of any kind in service an individual of those referred to in art. 175 par. (2) or under any legal person.

Alin. (1) art. Amended by section 308. 31 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(2) In this case, special limits of the penalty is reduced by one third.

Article 309

Acts that have produced serious consequences

if the facts set out in art. 295, art. 297, art. 298, art. 300, art. 303, art. 304, art. 306 or art. 307 produced serious consequences, special limits of the sentence provided by law shall be increased by half.

Title VI Forgery

Chapter I Forgery of coins, stamps or other securities

Article 310

Currency counterfeiting

(1) The counterfeiting of currency value circulatory punishable by imprisonment from 3-10 years deprivation of rights.

(2) The same punishment applies counterfeiting coins, issued by the competent authorities before making its official circulation.

(3) The attempt shall be punished.

Article 311

Falsification of debt securities or payment instruments

(1) Falsification of bonds, securities or instruments for payment or any other securities or similar values is punishable by imprisonment for 2-7 years, and deprivation of rights.

(2) If the act in para. (1) for an electronic payment instrument, the punishment is imprisonment from 3 to 10 years and deprivation of certain rights.

(3) The attempt shall be punished.

Article 312

Counterfeit stamps or postage

(1) Forgery of stamps of any kind, stamps, postal envelopes, postcards or coupons international response shall be punished with imprisonment from six months to three years or a fine.

(2) The attempt shall be punished.

Article 313

The circulation of forged values

(1) The circulation of forged securities referred to in art. 310-312 and receipt, possession or transmission, for putting them into circulation, shall be punished with the punishment provided for the offense of forgery that were produced.

(2) The circulation of forged securities referred to in art. 310-312, committed by author or participant in the crime of forgery, shall be punished with the punishment provided for the offense of forgery that were produced.

(3) Recirculation of one of the values set out in art. 310-312, by a person who has found after the entry into possession, that is counterfeit, shall be punished with the punishment provided for the offense of forgery that were produced, of which particular limits are reduced by half.

(4) The attempt shall be punished.

Article 314

Possession of instruments to falsify values

(1) Manufacture, receipt, possession or transfer of instruments or materials in order to be used to forge values or securities referred to in art. 310, art. 311 par. (1) and Art. 312 shall be punished with imprisonment from one to five years.

(2) Manufacture, receiving, storing or transmitting equipment, including hardware and software, in order to be used to forge electronic payment instruments shall be punished with imprisonment for 2-7 years.

(3) No person shall be punished after committing any of the acts referred to in paragraph. (1) or paragraph. (2) before their discovery and before being passed to the act of falsification, teaching tools and materials held incunoștințează judicial authorities or the authorities about their existence.

Article 315

Fraudulent issuing of currency

(1) Production of genuine currency through the use of facilities or equipment intended, in violation of the conditions set by the competent authorities or with their consent, shall be punished with imprisonment for 2-7 years, and deprivation of rights.

(2) The same punishment applies circulation of money made under par. (1), and the receipt, possession and transmission thereof, in order to put them into circulation.

(3) The attempt shall be punished.

Alin. (3) art. Section 315 was introduced. 12 of art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of 23 May 2016.

Article 316

Forgery of foreign values

The provisions of this Chapter shall apply to the offense for coins, stamps, securities or payment instruments issued abroad.

Chapter II forgery login or marking

Article 317

Forgery of official machinery

(1) forging a seal, a stamp or a marking tool which use those provided in art. 176 or persons referred to in Article. 175 par. (2) shall be punished by imprisonment from 6 months to 3 years or fine.

(2) forging a seal, a stamp or a marking tool that people use other than those referred to in paragraph. (1) shall be punished with imprisonment from three months to one year or a fine.

(3) The attempt shall be punished.

Article 318

Using false instruments

using false instruments referred to in art. 317 shall be punished with imprisonment from three months to three years or a fine.

Article 319

Forgery of foreign authentication instruments

The provisions of this Chapter shall apply when the act authentication marking tools used by the authorities of a foreign state.

Chapter III Forgeries of documents

Article 320

Forgery of official documents

(1) forgery of official document by writing or subscription counterfeiting or altering it in any way likely to cause legal consequences, is punished with imprisonment from six months to three years.

(2) The false set out in the paragraph. (1) committed by a public official in the performance of official duties, shall be punished with imprisonment from one to five years and deprivation of certain rights.

(3) are assimilated to official documents tickets, vouchers or any other printed producing legal consequences.

(4) The attempt shall be punished.

Article 321

forgery

(1) forgery of official document during drawn up by a public official exercising their duties, the certification of facts or circumstances improper truth or by deliberate omission to insert some data or circumstances shall be punished with imprisonment one to five years.

(2) The attempt shall be punished.

Article 322

Forgery of private documents

(1) Falsification of a document under private signature by any of the methods provided in Art. 320 or art. 321, if the perpetrator uses the forged document or entrusts another person to use, in order to produce legal consequences, is punished with imprisonment from six months to three years or a fine.

(2) The attempt shall be punished.

Article 323

Use of false

use of an official document or under private signature, knowing that it is false, in order to produce legal consequences, is punished with imprisonment from three months to three years or with fine, when the document is official and by imprisonment of three months to two years or with fine, when the document is under private signature.

Article 324

Falsification of technical records

(1) Falsification of records technical by counterfeiting, alteration or by determining attestation circumstances improper truth or omission registration data or circumstances, if it was followed by the use of the offender registration or entrust it to another person to use, in order production of legal consequences, is punished with imprisonment from six months to three years or a fine.

(2) The same punishment applies technical records using a falsified in order to produce legal consequences.

(3) recording technique, the purpose of this article is meant attestation value, weights, measures or unfolding event, performed in whole or in part, automatically, via a technically approved and intended to prove a particular fact, in order to produce legal consequences.

Article 325

False information

The input, edit or delete, without right data or to restrict, without law, access to this data, resulting in misreporting the truth in order to be used in order to produce legal consequences, is an offense shall be punished with imprisonment from one to five years.

Article 326

False statements

inaccurate declaration of truth made one of the persons referred to in Article. 175 or unit in which it operates in order to produce legal consequences for himself or for another, when, according to law or the circumstances, the declaration serves to produce those consequences, is punished with imprisonment from three months to two years or a fine.

Article 327

False identity

(1) Presentation of award under a false identity or identities of such other person, made one of the persons referred to in Article. 175 or transmitted to a unit in which it operates by making fraudulent use of a document which identifies, legitimation or proven registrar or such an act fake to induce or maintain mislead a public servant in order producing legal consequences for himself or for another, shall be punished with imprisonment from six months to three years.

(2) When the presentation was made by employing the real identity of a person, the penalty is imprisonment of one to five years.

(3) Entrusting an act which serves to identify, legitimation or proven registrar to be used without right is punishable by imprisonment from three months to two years or a fine.

Article 328

Forgery committed in connection with the authority of a foreign state

The provisions of this Chapter shall apply if the act the documents issued by a competent authority of a foreign state or an international organization established by a treaty to which Romania is a party or statements or an assumed identity before it.

Title VII Crimes against public safety

Chapter I Crimes against traffic safety rail

Article 329

Failure to fulfill their official duties or faulty

(1) Non-fulfillment of official duties or fulfilling their flawed by employees who manage the rail infrastructure or transport operators, intervention or maneuver if this endangers traffic safety vehicles, intervention or maneuver rail is punished imprisonment of one to five years.

(2) If the act resulted in a railway accident, the penalty is imprisonment from 3-10 years.

Article 330

Failure to fulfill their official duties or faulty negligence

(1) Non-fulfillment of official duties or fulfilling their malfunction, negligence by employees who manage the rail infrastructure or transport operators, intervention or maneuver if this endangers the safety of transport, intervention or maneuver rail shall be punished with imprisonment from three months to three years or a fine.

(2) When the offense resulted in a railway accident, the penalty is imprisonment of one to five years.

Article 331

Exiting the work station and under the influence of the presence of alcohol or other substances

(1) leaving the post, in any manner or form, of employees whose duties involve traffic safety vehicles, intervention or maneuver rail, if this endangers the traffic safety of the facilities, shall be punished with imprisonment from 2-7 years.

(2) The same punishment is service duties by an employee having functions on traffic safety of means of transport, intervention or maneuver the track, which has an alcoholic *îmbibație* more than 0.80 g / l of pure alcohol in the blood or under the influence of psychoactive substances.

(3) When the acts referred to in paragraph. (1) and. (2) have resulted in a railway accident, the penalty is imprisonment from 3-10 years and interdiction of certain rights.

Article 332

Destruction or false signaling

(1) The destruction, degradation or brought into disuse of the track, rolling stock, installations railway or of the railway communication, and any other property or to the railway infrastructure or placing of obstacles railroad, if this endangers the safety of vehicles, maneuver or intervention by rail, shall be punished with imprisonment for 2-7 years, and deprivation of rights.

(2) The same punishment is committing acts of false signaling or committing any acts that may mislead the personnel of the movement of vehicles, maneuver or intervention by rail during the execution of the service, if such facts creates a danger railway accident.

(3) If the deeds provided in par. (1) and. (2) have resulted in a railway accident, the penalty is imprisonment from 3 to 10 years and deprivation of certain rights.

(4) When the acts referred to in paragraph. (1) - (3) are carried out from the fault, the special limits of the sentence is reduced to half.

(5) The attempt to offenses under par. (1) and. (2) shall be punished.

Article 333

Railroad accident

railroad accident damage or degradation that consists of vehicles, rolling stock or railway installations or maneuver during the transport movement, maneuvering, track maintenance and intervention.

Chapter IICrimes against road traffic safety

Article 334

Entry into service or driving a car not registered

(1) The circulation or driving a vehicle on public roads or tram not registered or unregistered by law shall be punished with imprisonment of one to three years or a fine.

(2) put into circulation on public roads or driving a car or a tram with fake registration number or registration is punishable by imprisonment from one to five years or a fine.

(3) a trailer or not registered or unregistered with fake registration number or registration shall be punished by imprisonment from three months to two years or a fine.

(4) Driving on public roads a vehicle or towing a trailer whose number plate registration or registration have been withdrawn or a vehicle registered in another state, it is not a movement in Romania, shall be punished with imprisonment from six months to two years or a fine.

Article 335

Driving a vehicle without driving license

(1) The road to a car or a tram by a person not possessing driving license is punishable by imprisonment from one to five years.

(2) Driving on public roads a vehicle for which the law requires holding a driving license to a person whose driving license is inappropriate category or subcategory which includes vehicle or whose license has been suspended or canceled or whose exercise of the right to drive has been suspended or who is not entitled to drive in Romania is punished with imprisonment from six months to three years or a fine.

(3) The same punishment applies and the person who entrusts a vehicle for which the law requires holding driving license for driving on public roads to a person who knows he is in a situation referred to in paragraph. (1) or paragraph. (2) or under the influence of alcohol or psychoactive substances.

Article 336

Driving a vehicle under the influence of alcohol or other substances

(1) Driving on public roads a vehicle for which the law requires holding a driving license to a person who has an alcoholic imbibație over 0.80 g / l of pure alcohol in the blood is punished with imprisonment from one to five years or a fine.

Alin. (1) art. 336 was modified by deleting "at the time of taking of biological samples," as no constitutional court's decision. 732 of December 16, 2014, published in the Official Gazette no. 69 of 27 January 2015.

Note ----- *) By Decision no. 732 of December 16, 2014, published in the Official Gazette no. 69 of January 27, 2015, it admitted the exception of unconstitutionality of art. 336 par. (1) of the Criminal Code, observing that the phrase "at the time of sampling biological samples" of the provisions of art. 336 par. (1) of the criminal is unconstitutional. According to art. 147 par. (1) CONSTITUTION republished in the Official Gazette. 767 of October 31, 2003 provisions of laws and ordinances in force, as well as the regulations declared unconstitutional, cease their legal effects within 45 days from publication of the decision of the Constitutional Court if, in the meantime, the Parliament or the Government, as appropriate not bring into line the unconstitutional provisions of the Constitution. During this time the provisions declared unconstitutional shall be suspended de jure. Therefore, between January 27 2015-12 March 2015, the phrase "at the time of sampling biological samples" in art. 336 par. (1) of the Criminal Code has been suspended by law, ceasing its legal effects as of March 13, 2015, as the legislature did not intervene to modify the contested provisions. -----

(2) The same punishment applies and people under the influence of psychoactive substances, driving a vehicle for which the law requires holding a driving license.

(3) If the person is in one of the situations referred to in paragraph. (1) and. (2) performing public passenger transport, transport of dangerous substances or products or are in the process of practical training of individuals for obtaining a driving license or during the tests practical examination for obtaining a driving license, the penalty is imprisonment from 2-7 years.

Article 337

Refusal or avoidance of sampling biological

refusing or evading driver of a vehicle for which the law requires holding a driving license or instructor car, undergoing training or examiner competent authority, found during the tests practical examination for driving license, to undergo the removal of biological samples necessary to establish the presence of alcohol or psychoactive substances can be arrested by one to five years.

Article 338

Place of the accident, or its modification or deletion trace

(1) Leaving the scene of an accident without authorization of the police or the prosecutor conducting crime scene investigation, the driver or the driving instructors, undergoing training or by examiner competent authority, found during the tests practical exam for learner drivers involved in a crash is punished with imprisonment for 2-7 years.

(2) The same punishment is sanctioned deed of any person to change the status checks, and to obliterate traffic accidents that resulted in the killing and injury of bodily integrity or health of one or more persons without the research team on the place.

(3) Do not leave the accident site constitutes offense when:

a) the accident occurred only damage;

b) driver in the absence of other means of transport, carrying himself injured to the nearest health facility able to provide medical need and that said personal identification and license plate number or vehicle registration led recorded in a special register, if returned immediately to the accident;

c) The driver with priority circulation regime notify their police and after the mission presented to the premises of the police whose jurisdiction the accident occurred, to draft documents determination;

d) the victim leaves the scene and the driver of the vehicle immediately notifies the event to the nearest police station.

Article 339

Preventing or hindering road traffic

(1) Installation of signaling means road or change their positions, without a permit issued by the competent authorities likely to mislead road users or to impede traffic on public roads shall be punished with imprisonment from three months to two years or fine.

(2) Participation as head of the competitions unauthorized vehicle on public roads shall be punished with imprisonment from three months to one year or a fine.

(3) The same punishment is placing obstacles obstacles hindering traffic on the public highway if endanger road safety or prejudice to the freedom of movement of other road users.

(4) Leaving unattended on the roadway of a public road vehicle carrying hazardous products or substances is punishable by imprisonment from one to three years or a fine.

Article 340

Failure duties on technical verification or repairs

(1) The fulfillment of defective or non-performance verification or technical periodical technical inspection of motor vehicles, trailers or trams or those on carrying out repairs or technical interventions by persons who have such powers, whether due to technical condition of the vehicle was put into road traffic safety hazard, shall be punished with imprisonment from three months to two years or a fine.

(2) If the deed provided in para. (1), there was a traffic accident that resulted in injury to bodily integrity or health of one or more persons, the penalty is imprisonment of one to five years, and if the death of one or more persons, the penalty is imprisonment from 3-10 years.

(3) If the deeds provided in par. (1) and. (2) the fault has been committed, the special limits of the penalty is reduced by a third.

(4) Repair of motor vehicles, trailers, trams or mopeds with traces of accident, without the conditions set by law, is punished by imprisonment from 3 months to 2 years or fine.

Article 341

Making unauthorized works in the public road

(1) Carrying out construction works, modification, modernization or rehabilitation of public roads or planning road access to the public highway without a building permit issued by law or in

contravention of the authorization, shall be punished with imprisonment from 6 months to three years or a fine.

(2) Installation of construction boards and advertisements in the road without building permit issued in compliance with the law or breach of the conditions stated in the permit, if this creates a danger to road safety, shall be punished with imprisonment from 3 months one year or a fine.

(3) A person authorized by the administrator of the railway signaling does not take appropriate measures at railway level crossings shall be punished with imprisonment from three months to two years or a fine.

(4) The penalty in para. (3) is sanctioned person authorized by a public road administrator or executor of works on the roadway that does not take appropriate measures for signaling obstacles or road works, if this happened a traffic accident.

Chapter III Failure regime arms, munitions, nuclear and explosive materials

Article 342

Failure regime of weapons and ammunition

(1) Ownership, port, manufacturing and any operation on the movement of lethal weapons, ammunition, mechanisms or devices or operating their repair workshops lethal weapons without right is punishable with imprisonment from one to five years.

(2) Ownership or port without the right to non-lethal weapons in the categories subject to authorization shall be punished with imprisonment from three months to one year or a fine.

(3) The theft of weapons or ammunition referred to in paragraph. (1) and. (2) shall be punished with imprisonment for 2-7 years, and deprivation of rights.

(4) Port weapons referred to in paragraph. (1) and. (2) without right, authority offices, public institutions and other legal entities of public interest or in spaces reserved for the electoral process, shall be punished with imprisonment from one to five years and interdiction of certain rights.

(5) If the deeds provided in par. (1) and. (3) refer to prohibited weapons or ammunition, or mechanisms of these devices, special limits of the penalty shall be increased by one third.

(6) Failure weapons and ammunition from a authorized dealer within 10 days of the expiry of the permit for the weapon is a crime punishable by imprisonment from six months to three years.

Alin. (6) art. Section 342 was introduced. 32 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(7) The manufacture or assembly of lethal weapons, their parts and ammunition:

a) from any essential component of such firearms illicitly trafficked;

b) without an authorization issued by a competent authority of the Member State where the manufacture or assembly;

c) without marking the assembled lethal weapons on their production in accordance with the law, shall be punished with imprisonment for 2-7 years.

Alin. (7) of art. Section 342 was introduced. 32 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 343

Use of weapons without right

(1) The use of a deadly weapon or prohibited, without right, is punishable by imprisonment from one to three years.

(2) The use of non-lethal weapon of the category subject to authorization, without right, is punishable by imprisonment from six months to two years.

Article 344

Falsification or alteration. Deleting or altering the marks on lethal

Forgery or delete, remove or change without right markings on lethal weapons is punishable with imprisonment from one year to three years or a fine.

Art. 344 amended by section. 33 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 345

Not respecting the nuclear material or other radioactive materials

(1) receive, use, transfer, modification, transfer, dispersion, exposure, production, processing, handling, storage, importing, exporting or final storage, transport or diversion of nuclear material or other radioactive materials, as well as any operation on their movements without right is punishable by imprisonment for 3-10 years, deprivation of certain rights.

(2) The theft of nuclear material or other radioactive materials is punishable by imprisonment from 5-12 years deprivation of rights.

(3) If the deeds provided in par. (1) and (2) endangered other persons or property caused injury

to one or more persons, the penalty is imprisonment from 7-15 years deprivation of rights.

(4) If the acts in para. (1) and (2) resulted in the death of one or more persons, the penalty is imprisonment from 10-20 years and deprivation of certain rights.

(5) If the deeds provided in par. (1), (3) and (4) were carried out from the fault, the special limits of the sentence is reduced to half.

(6) Notwithstanding the provisions of art. 137 par. (2) the offense under this Article, the amount corresponding to the day-fine for legal entities is between 500 lei and 25,000 lei.

Alin. (6) art. Section 345 was introduced. 13 art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of 23 May 2016

Art. 345 amended by section. 34 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 346

Failure regime of explosive materials

(1) Production, experimentation, processing, possession, transportation or use of explosives or any other operations on their movements without right is punishable with imprisonment for 2-7 years.

(2) The theft of explosives is punishable by imprisonment from 3-10 years deprivation of rights.

(3) When the acts referred to in paragraph. (1) and. (2) relate to an amount equivalent to more than 1 kg when the amount of the explosive TNT or is accompanied by the starting materials, the penalty is imprisonment from 5 to 12 years and deprivation of rights.

(4) If the acts referred to in paragraph. (1) - (3) resulted in the death of one or more persons, the penalty is imprisonment from 10-20 years and deprivation of certain rights.

Article 347

That attempting

Attempted offenses set forth in art. 342 par. (1) and. (3),. 345 par. (1) and. (2) and in art. 346 par. (1) and. (2) shall be punished.

Chapter IV Offenses relating to the treatment given to other activities regulated by law

Article 348

Exercise without the right to a profession or activity

exercise without law, a profession or activity for which the law requires authorization or the exercise thereof under conditions other than legal ones if the special law provides that committing such acts are punishable under criminal law, is punishable by imprisonment from three months to one year or a fine.

Article 349

Failure to take legal measures for safety and health at work

(1) Failure to take any of the necessary legal security and health of the person who had the duty to take these measures, if it creates an imminent danger of an accident at work or occupational disease, shall be punished with imprisonment 6 months to 3 years or a fine.

(2) act in para. (1) intentionally committed is punishable by imprisonment from three months to one year or a fine.

Article 350

Failure to follow legal safety and health at work

(1) Failure of any of the obligations and measures established on safety and health at work, if this creates an imminent danger of an accident at work or occupational disease, shall be punished with imprisonment from 6 months to three years or a fine.

(2) The same punishment is returning the equipment, machines and equipment, eliminating any deficiencies prior to their arrest has been made so far.

(3) The actions specified in para. (1) and. (2) strict liability offenses are punishable by imprisonment from three months to one year or a fine.

Article 351

Usury

Giving money with interest, as occupation by an unauthorized person, shall be punished with imprisonment from six months to five years.

Chapter V Crimes against Public Health

Article 352

Frustrating disease control

(1) Failure to prevent or combat the measures for infectious diseases, if it has therefore spread of such a disease, is punished with imprisonment from 6 months to 2 years or fine.

(2) If the act in para. (1) is committed by negligence, the penalty is imprisonment from one month to six months or fine.

Article 353

contamination venereal

(1) The transmission of a sexually transmitted disease through sexual intercourse or other sexual acts by a person known to suffer from such a disease, shall be punished with imprisonment from six months to three years or a fine.

(2) The court shall order the security measure of compulsory medical treatment.

Article 354

Transmission of AIDS

(1) The transmission, by any means, the Acquired Immunodeficiency Syndrome - AIDS - by a person who knows that they suffer from this disease can be arrested from 3 to 10 years.

(2) The transmission, by any means, the Acquired Immunodeficiency Syndrome - AIDS - by another person than the one in para. (1) can be arrested from 5 to 12 years.

(3) If the acts referred to in paragraph. (1) and. (2) to death of the victim, the penalty is imprisonment from 7-15 years.

(4) When the offense provided for in paragraph. (2) has been committed by negligence, the penalty is imprisonment from six months to three years, and if it caused death of the victim, the penalty is imprisonment for 2-7 years.

(5) The attempt to offenses under par. (1) and. (2) shall be punished.

Article 355

The spread of animal or plant diseases

(1) Failure to prevent or combat the measures for infectious diseases in animals or plants or pests, if it has therefore also the spread of a disease or pest, is punished by imprisonment from 3 months to 3 years or fine.

(2) If the offense is committed by negligence, special punishment limits are reduced by half.

Article 356

infection water

(1) infection, by any means or sources of water, if water is harmful to human health, animal or plant, is punished with imprisonment of one to five years.

(2) If the offense is committed by negligence, the penalty is imprisonment from six months to three years or a fine.

(3) Notwithstanding the provisions of art. 137 par. (2) the offense under this Article, the amount corresponding to the day-fine for legal entities is between 500 lei and 25,000 lei.

(4) The attempt shall be punished.

Art. 356 amended by section. 14 art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of 23 May 2016.

Article 357

Forgery or substitution of foodstuffs or other products

(1) Preparation, offer or exposure for sale of foodstuffs, beverages or other falsified or substituted, they are harmful to health, is punished with imprisonment from three months to three years or a fine and deprivation of rights.

(2) Preparation, offering for sale or display or substituted counterfeit drugs which are injurious to health can be arrested to 6 months to 5 years and deprivation of rights.

Article 358

Marketing of adulterated products

(1) The sale of food, beverages and other products knowing they are altered or exceeded the shelf life if they are harmful to health, is punished with imprisonment from six months to three years or a fine and deprivation of rights.

(2) The same punishment applies release for consumption of meat and meat products from animals stolen cuts veterinary inspections if they are harmful to health.

(3) Sale of drugs knowing that they are counterfeit, altered or the period of validity exceeded, if harmful health or have lost all or part of the therapeutic efficacy, are punished with imprisonment of one to five years and deprivation of rights.

Article 359

Traffic products or toxic substances

(1) The production, holding, and any operation of the movements or toxic substances, cultivation for processing plant containing such substances or experimentation products or toxic substances, without right is punished by imprisonment from 2 to 7 years and deprivation of rights.

(2) The attempt shall be punished.

Chapter VI Offenses against the security and integrity of computer data and systems

Article 360

Illegal access to a computer system

(1), unauthorized access to a computer system shall be punished with imprisonment from three months to three years or a fine.

(2) act in para. (1) committed in order to obtain data, can be arrested from 6 months to 5 years.

(3) If the act in para. (1) was committed on a computer system that, through processes, devices or specialized programs, restricted or forbidden for certain categories of users, the penalty is imprisonment for 2-7 years.

Article 361

Illegal interception of computer data transmission

(1) interception without right, a transmission of information which is not public and is intended for a system comes from such a system or made within an information system is punishable by imprisonment from one to five years .

(2) The same punishment applies the interception without right of electromagnetic emissions from a computer system, computer data that is not public.

Article 362

Alteration of computer data integrity

illegal alteration, deletion or deterioration of computer data or restrict access to such data without right, is punishable by imprisonment from one to five years.

Article 363

Disruption of operation systems

act to disrupt seriously, without right, of a system by inputting, transmitting, altering, deleting or deteriorating computer data or by restricting access to computer data, is punishable by imprisonment for 2-7 years.

Article 364

The unauthorized transfer of computer data

unauthorized transfer of data from a computer system or a data storage means can be arrested by one to five years.

Article 365

Illegal operations with devices or programs

(1) Any person who, without right, manufactures, imports, distributes or provides any form:

a) devices or software designed or adapted for the purpose of committing an offense set forth in art. 360-364;

b) passwords, access codes or other such computer data allowing total or partial access to a computer system in order to commit an offense set forth in art. 360-364, shall be punished with imprisonment from six months to three years or a fine.

(2) Ownership, without right, of a device, a computer program, password, access code or other computer data from those set out in para. (1), in order to commit an offense set forth in the art. 360-364, shall be punished with imprisonment from three months to two years or a fine.

Article 366

That attempting

Attempted offenses under this chapter shall be punished.

Title VIII Offenses affecting relations on social life

Chapter I Offenses against public order

Article 367

Setting up an organized criminal group

(1) Initiation or establishment of an organized criminal group, joining or supporting any form, such a group is punishable by imprisonment from one to five years and deprivation of certain rights.

(2) When the offense within the scope of organized criminal groups is punishable by law with imprisonment for life or imprisonment exceeding 10 years, the penalty is imprisonment from 3 to 10 years and deprivation of certain rights.

(3) If the deeds provided in par. (1) and. (2) they were followed for an offense, the rules on competition offenses.

(4) Do not punish those who have committed acts referred to in paragraph. (1) and. (2) whether the authorities denouncing organized criminal group, before it was discovered to have begun committing any of the offenses within the scope of the group.

(5) If the person who committed one of the acts referred to in paragraph. (1) - (3) facilitates, during prosecution, truth and criminal liability of one or more members of an organized criminal group, special limits of the penalty is reduced by half.

(6) organized criminal group means a structured group, consisting of three or more persons established for a certain period of time and to act in a coordinated manner in order to commit one or more crimes.

Article 368

public incitement

(1) The act of urging the audience verbally, in writing or by any means, to commit offenses punishable with imprisonment from three months to three years or with a fine not to exceed the penalty provided by law for the offense to commit which was instigated.

(2) If the act in para. (1) is committed by a public official, the penalty is imprisonment of one to five years and deprivation of certain rights, without exceeding the punishment provided for the offense the commission of which was instigated.

(3) If public provocation resulted in that instigated the crime, the punishment prescribed by law for the offense.

Article 369

Incitement to hatred or discrimination

inciting the public, by any means, hatred or discrimination against a class of persons shall be punished with imprisonment from six months to three years or a fine.

Article 370

Trying to determine an offense

trying to determine a person by coercion or corruption, to commit an offense for which the law provides for life imprisonment or imprisonment exceeding 10 years shall be punished by imprisonment from one to five years or fine.

Article 371

Nuisance and public

Any person who, in public, by violence committed against persons or property or by threats or serious threats to the dignity of persons, disturb public order is punishable by imprisonment from three months to two years or a fine.

Article 372

Port or unlawful use of dangerous objects

(1) The act of wearing no right to public gatherings, cultural and sports in specially equipped and approved for fun or entertainment or means of transport:

a) knife, dagger, boxing or other such objects produced or made specifically for cutting, puncture or impact;

b) non-lethal weapons that are not subject to authorization or electric shock devices;

c) substances irritating tear or paralyzing effect shall be punished by imprisonment from three months to one year or a fine.

(2) Use, without the right to public gatherings, cultural, sports, entertainment or recreation places or means of transport objects or substances referred to in paragraph. (1) shall be punished by imprisonment from 6 months to 2 years or fine.

(3) Port without right of the objects or substances listed in the paragraph. (1) the premises of public authorities, public institutions and other legal entities of public interest or in spaces reserved electoral process is punished with imprisonment of one to three years or a fine.

Article 373

Obstructed a public meeting

Prevent, by any means, to conduct a public meeting which was authorized by law shall be punished with imprisonment from three months to one year or a fine.

Article 374

pornography

(1) The production, possession, purchase, storage, display, promotion, distribution and making available in any way, to child pornography shall be punished with imprisonment from one year to five years.

 Alin. (1) art. Amended by section 374. 15 art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of 23 May 2016.

(1 1) The penalty in para. (1) is punishable inciting or recruiting a child for the purpose of his participation in a pornographic performance, or profiting from such a show in which participating minors or exploitation of a minor in any way for making pornographic performances.

 Alin. (1 1) of the article. Section 374 was introduced. 16 art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of 23 May 2016.

(1 ^ 2) Watching attending pornographic performances in which minors are punished with imprisonment from three months to three years or a fine.

 Alin. (1 ^ 2) of the article. Section 374 was introduced. 16 art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of May 23, 2016.

(2) If the deeds provided in par. (1) committed through a computer system or other means of data storage, the penalty is imprisonment for 2-7 years.

(3) Access without law, child pornography through computer systems or other electronic communication means, shall be punished with imprisonment from three months to three years or a fine.

(3 ^ 1) If the deeds provided in par. (1), (1 1), (1 ^ 2) and (2) have been committed in the following circumstances:

a) by a family member;

b) by a person in whose care, protection, education, protection or treatment is minor or a person having abused their recognized position of trust or authority over the minor;

c) the offense endangered the life of the minor, special limits of the punishment shall be increased by one third.

 Alin. (3 ^ 1) of the article. Section 374 was introduced. 17 art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of May 23, 2016.

(4) The child abuse material is any material that has a minor or an adult as a minor, having sexually explicit conduct or, although not representing a real person, simulates, reliably, a minor with such a conduct and any representation of the sexual organs of a child for sexual purposes.

 Alin. (4) art. Amended by section 374. 18 art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of 23 May 2016.

(4 ^ 1) The pornographic performance means a live exhibition aimed at an audience, including information and communication technology, of a child engaged in sexually explicit conduct or the sexual organs of a child, purpose sexual.

 Alin. (4? 1) of the article. Section 374 was introduced. 19 art. I Emergency Ordinance no. 18 of May 18, 2016 published in the Official Gazette. 389 of May 23, 2016.

(5) The attempt shall be punished.

Article 375

Outrage against morality

Any person who, in public, display or distribute without the right images showing explicit sexual activity other than that referred to in art. 374 or commits acts of exhibitionism or other explicit sexual acts are punishable by imprisonment from three months to two years or a fine.

Chapter II Offenses against family

Article 376

bigamy

(1) The conclusion of a new marriage by a married person shall be punished with imprisonment from three months to two years or a fine.

(2) unmarried person who enters a marriage with someone who knows married is punishable by imprisonment from one month to one year or a fine.

Article 377

Incest

Sexual intercourse consented, committed between relatives in direct line or between brothers and sisters, be punished with imprisonment from one year to five years.

Article 378

Family abandonment

(1) Committing the person who has the legal obligation of maintenance to the person entitled to maintenance, one of the following actions:

- a) leave, expulsion or allowing unaided, exposing him to physical or moral suffering;
- b) failure, bad faith, the maintenance of the law;
- c) failure, bad faith, for three months, alimony determined by court,

shall be punished with imprisonment from six months to three years or a fine.

(2) The same punishment is failure, bad faith by the convict regular benefits established by court order, to persons entitled to maintenance from the victim of the offense.

(3) Criminal proceedings shall be initiated upon prior complaint from the injured person.

(4) act is not punishable if, before the end of the prosecution, the defendant fulfills his obligations.

(5) If, until the final judgment sentencing the defendant to fulfill its obligations, the court, if necessary, conditional sentence or suspended sentence under supervision, even if the conditions provided by law for this.

Article 379

Failure to follow the child custody

(1) Retaining a parent of his minor child without the consent of the other parent or the person entrusted with juvenile law, shall be punished with imprisonment from one month to three months or a fine.

(2) The same punishment applies act person entrusted with the minor by court order to raise and educate to prevent repeatedly on either parent to have personal contact with the child, as determined by the parties or by the body competent.

(3) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Article 380

Preventing access to compulsory education

(1) The parent or person entrusted by law, a minor and, unjustifiably withdraws or obstructs any means to attend compulsory education shall be punished with imprisonment from three months to one year or fine.

(2) The action is not punished if the criminal prosecution before the resumption of the defendant ensure attendance of the minor courses.

(3) If by a final decision of sentencing the defendant provides resume attending classes by juvenile court shall, where appropriate, conditional sentence or suspended sentence under supervision, even if the conditions provided by law for this.

Chapter III Offenses against religious freedom and respect due the deceased

Article 381

Exercising their religious freedom

(1) Preventing or disturbing the free exercise of a religious ritual, which is organized according to law, shall be punished with imprisonment from three months to two years or a fine.

(2) order a person under duress, to attend religious services of worship or to perform a religious act related to the exercise of worship shall be punished by imprisonment for one to three years or a fine.

(3) The same punishment applies an order requiring a person by violence or threat, to perform a forbidden act of worship, organized under the law to which it belongs.

(4) Criminal proceedings shall be initiated upon prior complaint from the injured person.

Article 382

Desecration of places of worship or objects

desecration of a place or object of worship belonging to a religious group that is organized according to law, shall be punished with imprisonment from six months to two years or a fine.

Article 383

Desecration of corpses and graves

(1) removing, destroying, or desecration of a corpse or ash resulting from the incineration thereof can be arrested from 6 months to 3 years.

(2) Profanation by any means of a grave, a monument urns or burial is punished by imprisonment from 3 months to 2 years or fine.

Article 384

Illegal taking of organs and tissue

sampling of tissues or organs from a corpse without law, shall be punished with imprisonment from six months to three years or a fine.

Title IX Offenses electoral

Article 385

Exercising their electoral rights

(1) Preventing by any means the free exercise of the right to vote or to be elected shall be punished with imprisonment from six months to three years.

(2) The attack, by any means, the polling station shall be punished with imprisonment for 2-7 years, and deprivation of rights.

Article 386

corruption of electors

(1) Offering or giving money, goods or other benefits in order to determine the voter to vote or not to vote a certain list of candidates or a candidate shall be punished with imprisonment from six months to three years and deprivation of rights .

(2) Do not fall into the category of goods referred to in paragraph. (1) assets with intrinsic value, marked with the insignia of a political party.

Article 387

Vote fraud

(1) Any person who votes:

a) without this right;

b) two or more times;

c) ballot-box stuffing several ballots than the voter is entitled shall be punished with imprisonment from six months to three years or a fine and deprivation of rights.

(2) The same punishment is the use of voter cards or ID null or false or fake ballots.

Article 388

Fraud electronic voting

printing access and use of false, fraudulent access or tamper with the electronic voting system by any means, electronic ballots shall be punished with imprisonment from one to five years.

Article 389

Confidentiality breaches vote

(1) The violation of the secrecy of the ballot by all means be subject to a fine.

(2) If the act was committed by a member of the electoral precinct, the penalty is imprisonment from six months to three years or a fine and deprivation of rights.

Article 390

Not respecting the ballot box

(1) The opening ballot boxes before the time set for the closing of voting, shall be punished by imprisonment of one to three years or a fine and deprivation of rights.

(2) Entrusting special ballot box to persons other than members of the electoral precinct or transporting other persons or circumstances other than those prescribed by law shall be punished with imprisonment from three months to two years or a fine and deprivation of rights.

Article 391

Falsifying election documents and records

(1) Falsification of documents by any means from the electoral punishable by imprisonment from one to five years and deprivation of certain rights.

(2) The same punishment applies and registering the copy of the permanent electoral list or additional electoral list of persons not included in this list.

Alin. (2) art. Amended by section 391. 35 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(3) introducing into use or use a computer program to record defects that alter or summing the results in polling stations and determine the distribution of seats outside the law is punishable by imprisonment for 2-7 years, and deprivation of rights.

(4) The same punishment applies data entry, information or procedures leading to alterations in the national information system necessary for establishing election results.

Article 392

Acts committed in connection with a referendum

provisions of art. 385-391 shall apply accordingly to the offenses committed during a referendum.

Article 393

That attempting

Attempted offenses set forth in art. 385 and Art. 387-391 punished.

Title X Offenses against national security

Article 394

Betrayal

deed Romanian citizen to get in touch with a foreign power or organization or with their agents in order to suppress or harm the unity and indivisibility, sovereignty and state independence by:

- a) challenging war against the country or of facilitating foreign military occupation;
- b) undermine economic, political and defense capacity of the state;
- c) subjection to a foreign power or organization;
- d) aiding a foreign power or organization to conduct a hostile activities against national security, punishable by imprisonment from 10-20 years and deprivation of certain rights.

Article 395

Betrayal by transmission of state secret information

transmission state secret information to a foreign power or organization or their agents and the purchase or possession of documents or information constituting a state secret information by those who are not to know them, for the purpose of transferring them to a foreign power or organization or their agents committed by a Romanian citizen shall be punished with imprisonment from 10-20 years and deprivation of certain rights.

Article 396

Betrayal by helping the enemy

act of Romanian citizens who, in time of war:

- a) teaches territories, towns, defense installations deposits or Romanian armed forces or serving defense;
- b) teaches ships, aircraft, machinery, weapons or other materials which can serve wearing war;
- c) obtain enemy people, values or materials of any kind;
- d) passing the enemy or perform other actions that are conducive to work or to weaken the enemy's fighting forces Romanian or allied armies;
- e) fighting or part of teams fighting against the Romanian state or its allies shall be punished with imprisonment for life or with imprisonment for 15-25 years and deprivation of certain rights.

Article 397

Action against constitutional order

(1) military action undertaken in order to change the constitutional order or the îngreunării or prevent the exercise of state power shall be punished with imprisonment from 15-25 years and deprivation of certain rights.

(2) The organization of violent acts against persons or property committed by several persons together, in order to change the constitutional order or the îngreunării or prevent the exercise of state power, if it endangers national security, punishable by imprisonment from 10-20 years and deprivation of certain rights.

Article 398

High treason

deeds stipulated in art. 394-397 committed by Romanian President or by another member of the Supreme Council of National Defense, constitute the crime of high treason and punishable by life imprisonment or imprisonment for 15-25 years and deprivation of rights .

Article 399

Hostile acts against the State

acts in art. 394 and Art. 396, committed by a foreign citizen or stateless person shall be punished with imprisonment from 10-20 years and deprivation of certain rights.

Article 400

Espionage

Acts referred to in art. 395, committed by a foreign citizen or stateless person shall be punished with imprisonment from 10-20 years and deprivation of certain rights.

Article 401

The attack which endangers national security

Attempt against life committed against a person holding a public dignity function, if the act endangers national security, punishable by life imprisonment or imprisonment for 15-25 years and deprivation of rights .

Article 402

The attack against a community

attack committed against a community by poisoning mass challenge epidemics or other means in order ingreunării or prevent the exercise of state power shall be punished with imprisonment for life or with imprisonment for 15-25 years and deprivation of rights.

Article 403

Acts of diversion

destruction, degradation or brought into disuse, in whole or in part by explosions, fire or otherwise, industrial plants, ways of communication, means of transport, means of telecommunication, construction , industrial or agricultural products or other goods if the act endangers national security, punishable by imprisonment from 10-20 years and deprivation of certain rights.

Article 404

Communicating false information

communication or dissemination by any means, of news, data, or false or forged documents, knowing the character forgery thereof, if this endangers national security, punishable by imprisonment of one to five years .

Article 405

War propaganda

(1) Propaganda for a war of aggression and spreading tendentious or invented news in order to start a war of aggression, shall be punished with imprisonment for 2-7 years, and deprivation of rights.

(2) The same punishment applies deeds provided in par. (1) committed with intent to start a war of aggression against Romania or internal armed conflict.

Article 406

Undermining of state interests

destruction, alteration or concealment of any document or record which sets out the rights of the Romanian state against a foreign power, if this jeopardized or harmed state interests, shall be punished with imprisonment from 7 to 15 years and deprivation of certain rights.

Article 407

Revealing secrets that endanger national security

(1) The disclosure of documents or information constituting state secret information by one who knows because of duties if the act endangers national security, punishable by imprisonment from 7-15 years deprivation of rights.

(2) Holding out official duties of a document containing state secret information, that endangers national security, punishable by imprisonment for 5-10 years.

(3) The disclosure without law, documents or data constituting state secret information, the one who informed them outside their official duties, shall be punished with imprisonment from one year to five years.

Alin. (3) art. Section 407 was introduced. 36 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 408

Crimes against persons enjoying international protection

(1) Attempt against life committed against the representative of a foreign state or a person who enjoys protection under international conventions, official missions in Romania, punishable by life imprisonment or imprisonment for 15-25 years and interdiction exercise certain rights.

(2) intentional offenses against physical integrity, health or freedom committed against one of the persons mentioned in para. (1) shall be punished with the punishment provided for the offense committed, whose special limits shall be increased by half.

Article 409

Formation of informative structures illegal

initiation, organization or establishment in Romania of intelligence structures in order to gather intelligence state or conducting by the activity of collecting and processing such

information outside the legal framework, is punishable by imprisonment from 3-10 years and interdiction of certain rights.

Article 410

Denouncing crimes against national security

(1) Any person who, having knowledge of the preparation or commission of any offense set forth in art. 394-397, art. 399-403 and art. 406-409, not immediately by authorities is punishable by imprisonment for 2-7 years.

(2) failure to disclose committed by a family member is not punished.

(3) Do not punish the person who, before the initiation of criminal proceedings against a person for the act nedeunțate, încunoștințează competent authorities about this or that, even after the initiation of criminal proceedings, facilitated the criminal liability of the author and participants.

Article 411

Causes of reduction of sentence

if the person has committed an offense under this title enables, during prosecution, truth and criminal liability of the author or participants, special limits of the penalty is reduced by half.

Article 412

that attempting

(1) Attempt to the offenses under this Title shall be punished.

(2) It is considered tentative production or acquisition of means or instruments and measures for offenses provided in art. 395-397, art. 401-403, art. 408 and Art. 399 reported the crime of treason by helping the enemy.

Title XI Crimes against fighting capacity of the armed forces

Chapter I Offenses military

Article 413

Unjustified absence

unjustified absence of any military facility or from work which exceed 4 hours, but not more than 24 hours, in time of war, during a state of siege or emergency shall be punished by imprisonment one to three years or a fine.

Article 414

desertion

(1) from the unit or undue absence from work exceeding 3 days, any military be punished by imprisonment of one to five years or fine.

(2) defection committed in the following circumstances:

a) two or more soldiers together;

b) having a gun military;

c) during missions involving outside Romanian territory shall be punished with imprisonment from 3-10 years.

(3) In time of war or territory that has proclaimed a state of siege or emergency, the defection of any military facility or service that exceeded 24 hours shall be punished with imprisonment from 3-10 years.

Article 415

violation confinement

(1) Violation of the security service, intervention, accompanying and security is punishable by imprisonment from three months to three years or a fine.

(2) Violations recorded by the sentry post located in the warehouses of weapons, ammunition or other explosives or other military positions of particular interest or state is punishable by imprisonment from one to five years.

(3) The actions specified in para. (1) and. (2) committed in time of war, during a state of siege or emergency shall be punished with imprisonment from 3-10 years.

Article 416

Leaving the job or order

(1) leaving the military post, service or any other place where he should be punished with imprisonment from three months to one year.

(2) Leaving call duty order or by any military shall be punished with imprisonment from one to

five years.

(3) acts in para. (1) and (2) committed during a state of siege or emergency shall be punished with imprisonment for 2-7 years and if committed in time of war, shall be punished with imprisonment for 3-10 years.

Alin. (3) art. Amended by section 416. 37 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 417

insubordination

(1) refusal to execute an order on official duties shall be punished with imprisonment from three months to three years or a fine.

(2) In time of war, during a state of siege or emergency, the punishment for the offense in para.

(1) imprisonment from 2 to 7 years.

Article 418

compulsion supervisor

(1) constraint by any means, to the lower or superior head of the subordinate service to the breach of duties can be arrested by one to three years.

(2) act in para. (1) committed by two or more times before military band gathered together or using a weapon is punishable by imprisonment for 2-7 years.

(3) for war crime in para. (1) shall be punished with imprisonment for 2-7 years and act in para.

(2) can be arrested from 3 to 12 years.

Article 419

Abuse of authority

act superior or boss who, in violation of their duties, causing serious harm to legitimate interests of inferior or subordinate or forces him to violate official duties shall be punished with imprisonment of one to three years.

Article 420

Striking a superior or inferior

(1) Hitting superior by lower or head of the subordinate when superior or head is in the line of duty or the action taken on these duties, shall be punished by imprisonment from one to five years or a fine .

(2) The same punishment is higher and hitting committed by or against inferior or subordinate chief, when inferior or subordinate is in the line of duty or the action taken on these tasks.

(3) When the acts referred to in paragraph. (1) and. (2) they were committed in time of war, during a state of siege or emergency special limits of the penalty shall be increased by one third.

Article 421

Surrender

surrender to the enemy the commander of the armed forces that it controls, leaving to the enemy, destroying or rendering disuse by the master of combat means or other means necessary for waging war, without either they It has been determined on the battlefield, punishable by life imprisonment or imprisonment for 15-25 years and deprivation of certain rights.

Article 422

Leaving the battlefield

leaving the battlefield or refusal to act, committed during the fight or surrender in captivity or committing other similar acts that serve the cause of the enemy is punishable by life imprisonment or imprisonment for 15-25 years and deprivation of rights.

Article 423

unauthorized flight

(1) Flying an aircraft belonging to the armed forces of the Romanian state, without prior consent and violation of the flight, if this endangers flight safety in airspace or aircraft, shall be punished by imprisonment of one to three years or fine.

(2) If the act resulted in the destruction or degradation of aircraft, the punishment is imprisonment from 5-10 years and deprivation of certain rights, and that resulted in a disaster, the penalty is imprisonment from 10-20 years and the prohibition exercise certain rights.

Article 424

leaving ship

(1) Leaving a military ship in distress by the master before and been exercised by the end

duties, and by any other persons who are part of the crew, without order of the commander, punishable by imprisonment of one to five years.

(2) If the offense is committed in time of war, during a state of siege or emergency shall be punished with imprisonment from 10-20 years and deprivation of certain rights.

Article 425

leaving command

(1) Leaving command of the commander of a military ship or a group of military ships, in situations that could jeopardize military ship or military ships or their crew, shall be punished with imprisonment for 2-7 years.

(2) If the leave order was committed during the fight, the commander of a military ship or a group of military ships, the penalty is imprisonment from 10-20 years and deprivation of certain rights.

Article 426

Failure to take the necessary measures in naval operations

act commander of a military ship or group of ships military, without being stopped by an order or without being hindered by the special mission that was:

- a) take the necessary measures to attack, to fight against the enemy, to help ship the Romanian state or allies, pursued by enemy or engaged in battle;
- b) take the necessary measures to destroy an enemy convoy;
- c) warships or commercial aims of the enemy shall be punished with imprisonment from 10-20 years and deprivation of certain rights.

Article 427

Lowering the flag

Lowering the flag during the battle, in order to serve the cause of the enemy committed by the commander of a military ship or a group of military ships, as well as by any other person boat, can be arrested from 10 to 20 years and deprivation of certain rights.

Article 428

collision

(1) The act commander of a military ship or any person on board that caused a collision or grounding of the vessel, if the act resulted in serious damage to it, shall be punished with imprisonment from 5 to 12 years and deprivation of rights.

(2) If the act in para. (1) has been committed by negligence, the penalty is imprisonment from six months to three years.

(3) act in para. (1) committed in wartime, during a state of siege or emergency shall be punished with imprisonment from 10-20 years and deprivation of certain rights.

Article 429

That attempting

Attempted offenses set forth in art. 421-425, art. 427 and Art. 428 par. (1) shall be punished.

Article 430

The provisions of art. 424-426, 428 and 429 shall apply accordingly if the military aircraft.

Art. 430 amended by section. 38 art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of 12 November 2012.

Article 431

Putting in criminal proceedings

Criminal proceedings for offenses under art. 413-417 is initiated only at the request of the commander.

Chapter II Offenses soldiers or civilians

Article 432

Evading military service in wartime

Any person who, in time of war or during a state of siege, they can cause injury to bodily integrity or health, simulates an illness or disability, using documents forged or any other means, in order evade military service, shall be punished with imprisonment for 2-7 years.

Article 433

Aggression against the guard

- (1) Any person who threatens or strikes sentinel or military intervention in service, accompanying and security is punishable by imprisonment from one to three years.
- (2) If the offense is committed by using a weapon or by two or more persons together, the penalty is imprisonment for 2-7 years.

Article 434

Stealing from taking military records

- (1) Theft from taking military records, selecting, establishing skills and options for the fulfillment of military service in peacetime is punished by a fine.
- (2) If the offense is committed in wartime or during a state of siege, the penalty is imprisonment of one to five years.

Article 435

Failure to incorporation or concentration

- (1) Failure to incorporate, concentration or mobilization in wartime or during a state of emergency, the time limit set in order to call, can be arrested from 2 to 7 years.
- (2) The same punishment is incorporated focused and failure of the unit to which he was assigned, and the one which, with alternative service law is not submitted within the employer.
- (3) The terms of presentation provided in par. (1) and. (2) shall be extended by 10 days, if the call is abroad.

Article 436

Robbing the fallen on the battlefield

- (1) Robbing the battlefield of the dead or wounded is punishable by imprisonment from 3-10 years deprivation of rights.
- (2) The same punishment applies deed in para. (1) without being committed on the battlefield, it is the result of war operations.

Article 437

Using emblem Red Cross during military operations

using no law in time of war or during a state of siege, in connection with military operations, the emblem or the designation "Red Cross" or the equivalent thereof shall be punished with imprisonment from 2-7 years.

Title XII Crimes of genocide against humanity and war

Chapter I Crimes of genocide and against humanity

Article 438

genocide

- (1) Committing in order to destroy, in whole or in part, a national, ethnical, racial or religious group, one of the following actions:
- killing members of the group;
 - damage physical or mental integrity of members of the group;
 - subjecting the group to living conditions likely to lead to physical destruction, in whole or in part thereof;
 - imposing measures to prevent births within the group;
 - forcibly transferring children belonging to a group to another group, shall be punished with imprisonment for life or with imprisonment for 15-25 years and deprivation of certain rights.
- (2) If the deeds provided in par. (1) are committed in wartime, the penalty is life imprisonment.
- (3) Understanding the perpetration of genocide shall be punished with imprisonment from 5-10 years deprivation of rights.
- (4) The incitement to the crime of genocide committed directly to the public, shall be punished with imprisonment for 2-7 years, and deprivation of rights.

Article 439

Crimes against humanity

- (1) Committing, in a generalized or systematic attack launched against a civilian population, one of the following actions:
- killing people;
 - subjecting a population or parts of it in order to destroy in whole or in part, to determine living conditions aimed at the physical destruction, in whole or in part thereof;
 - slavery or human trafficking, especially women and children;
 - deportation or forced transfer in violation of general rules of international law, of persons legally present in a given territory by expelling them to another state or to another territory,

or by using other coercive measures;

e) a person under guard torture perpetrator or over which it exercises control in some other way, causing her physical or mental harm or physical suffering or serious psychiatric consequences of sanctions exceeding permitted by international law;

f) rape or sexual assault, prostitution constraint, forced sterilization or detention of a remaining pregnant women forcibly in order to change the ethnic composition of a population;

g) physical or mental injury to persons;

h) causing enforced disappearance of a person, in order to take it outside under the protection of the law for a prolonged period, abduction, arrest or detention on the orders of a state or a political organization or with the authorization, support or consent to them, followed by refusing to admit that this person is deprived of liberty or to provide factual information on the fate that is reserved or the location as soon as this information has been requested;

i) imprisonment or other severe form of deprivation of liberty in violation of general rules of international law;

j) persecution of a group or a community caused by deprivation of fundamental human rights or restricting serious exercise of those rights based on political, racial, national, ethnic, cultural, religious, sexual or based on other criteria recognized as unacceptable under international law;

k) Other inhumane acts also causing great suffering or injury to physical or mental, is punishable by life imprisonment or imprisonment for 15-25 years and deprivation of certain rights.

(2) The same punishment applies deeds provided in par. (1) committed in an institutionalized regime of systematic oppression and domination by one racial group over another, with the intention of maintaining that regime.

Chapter IICrimes of War

Article 440

War crimes against persons

(1) Committing in an armed conflict with or without international character of one or more persons protected by international humanitarian law, one of the following actions:

a) killing;

b) taking hostages;

c) application of cruel or inhuman, causing damage of the physical or mental or physical or mental distress, in particular by torture or mutilation;

d) rape or sexual assault, prostitution constraint, forced sterilization or detention of a remaining pregnant women forcibly in order to change the ethnic composition of a population;

e) deportation or forced transfer in violation of general rules of international law, of persons legally present in a given territory by expelling them to another state or another territory, or by using other coercive measures;

f) the application or enforcement of severe penalties, especially the death penalty or a custodial sentence against a person who was tried under due process of law and impartial, offering guarantees under international law;

g) a person is exposed to a risk of death or serious harm to health by:

1. making on its experiences on that she did not consent voluntarily prior express or unneeded for its health or not carried out in his interest;

2. The collection of tissues or organs for transplant purposes of it, except for the removal of blood or skin for therapeutic purposes carried out in accordance with generally accepted medical principles and voluntary consent, prior express the person;

3. subjection to unrecognized medical treatment methods without they are necessary for the health of the person and although she had consented voluntarily, expressly and advance;

h) subjecting a person to degrading treatment shall be punished with imprisonment for life or with imprisonment for 15-25 years and deprivation of certain rights.

(2) The same punishment applies procuring or incorporating minors under the age of 15 years into armed forces or armed groups and their determination, by any means, to participate actively in hostilities.

(3) being injured in an armed conflict or non-international, a member of the enemy's armed forces or a combatant party enemy after he surrendered unconditionally or has been knocked out in any way, punishable by imprisonment from 5-12 years deprivation of rights.

(4) Committing in an armed conflict of an international character, one of the following actions:

a) maintaining unlawful detention or undue delay repatriation of one or more persons among those referred to in paragraph. (5) a);

b) transferring, directly or indirectly, by an agent of the Occupying Power, a part of the civilian population to which he belongs, in the occupied territory;

c) coercion by violence or threat of one or more persons among those referred to in paragraph. (5) a)

a) serve in the armed forces of the enemy;

d) power constraint enemy nationals to take part in operations of war against their country, shall be punished with imprisonment from 3-10 years deprivation of rights.

(5) persons protected by international humanitarian law are:

a) in an armed conflict of an international character: protected persons within the meaning of the Geneva Conventions of 12 August 1949 and Additional Protocol I of June 8, 1977, especially the wounded, sick, shipwrecked, prisoners of war and civilians;

- b) a non-international armed conflict: the wounded, sick, shipwrecked and persons taking no active part in hostilities and who are under the power of the enemy party;
- c) in an armed conflict with or without international character: members of armed forces and combatants enemy side who have surrendered or who for any other reason, they can not defend and that is not the power of the enemy side.

Article 441

War crimes against property and other rights

- (1) Any person who, during an armed conflict or non-international mugged or in violation of international law and without this being justified by military necessity, destroy, appropriate or requisition assets of Part enemy under power party that owns the perpetrator is punished with imprisonment from 3-10 years deprivation of rights.
- (2) The declaration in an armed conflict of an international character, as off, suspended or inadmissible in court the rights and actions of all third-party enemy or a substantial part thereof shall be punished with imprisonment from 3-10 years deprivation rights.

Article 442

War crimes against humanitarian operations and emblems

- (1) Any person who, during an armed conflict with or without international character:
 - a) triggers an attack against personnel, installations, material, units or vehicles involved in a mission of humanitarian aid or the mission of peacekeeping under the Charter of the United Nations, and enjoys the protection that international humanitarian law a guarantee civilians or civilian objects;
 - b) triggers an attack against personnel, buildings, medical units or medical transports which use the distinctive signs provided by the Geneva Conventions, in accordance with international humanitarian law shall be punished with imprisonment from 7-15 years deprivation rights.
- (2) Any person who, during an armed conflict or non-international used without as hallmarks under the Geneva Conventions, the flag parliamentary flag, insignia military uniform of the enemy or of the United Nations, thus causing death or injury to one or more persons shall be punished with imprisonment from 7-15 years deprivation of rights.

Article 443

The use of prohibited methods of combat operations

- (1) Any person who, during an armed conflict with or without international character:
 - a) triggers an attack by military means against the civilian population or civilians taking no active part in hostilities;
 - b) trigger an attack by military means against civilian protected as such by international humanitarian law, in particular buildings dedicated to religious worship, education, art, science, philanthropic purposes, historic monuments, hospitals, places where the sick and wounded are collected, and against towns, villages, dwellings or buildings or of demilitarized zones or unprotected installations or equipment containing hazardous substances, provided they are not used as military objectives;
 - c) carry out an attack by military means, knowing that it will cause casualties among civilians, injuries to civilians, damage to civilian objects that would be manifestly disproportionate to the overall benefit concrete and direct military expected ;
 - d) uses a person protected by provisions of international humanitarian law to avoid certain points, areas or military forces to become the target of military operations of the enemy party;
 - e) uses as a method of warfare, deliberate starvation of civilians, depriving them of objects indispensable survival or preventing, in violation of international humanitarian law, receiving assistance to them;
 - f) declared or ordered that there will be no mercy for the defeated;
 - g) kill or hurt by deceit, a member of the armed forces or a combatant enemy of enemy forces is punishable by imprisonment from 7-15 years deprivation of rights.
 - h) using cultural property protected as such by international humanitarian law, particularly historical monuments, buildings dedicated to religious worship, education, art or science, to trigger an attack by military means against enemy side.

 Lit. h) a paragraph. (1) art. 443 was introduced by point. 39 Art. 245 of Law no. 187 of October 24, 2012, published in the Official Gazette no. 757 of November 12, 2012.

(2) Carrying out an attack by military means in an armed conflict of an international character, knowing that it will cause environmental damage extensive, lengthy and serious that it would be manifestly disproportionate to the overall benefit concrete and direct military expected shall be punished with imprisonment from 3-10 years deprivation of rights.

Article 444

Use of prohibited means of combat operations

- Any person who, during an armed conflict with or without international character:
 - a) use of poison weapons or poisonous substances;
 - b) use of asphyxiating gases, and any toxic or similar liquids, materials or similar processes;
 - c) use of weapons that cause unnecessary physical suffering shall be punished with imprisonment

from 7-15 years deprivation of rights.

Article 445

That attempting
Attempted offenses under this title shall be punished.

Title XIII FINAL PROVISIONS

Article 446

Entry into force

(1) This Code shall enter into force on the date to be established in the law for the implementation thereof, except as provided paragraphs. (2) and. (3) which comes into force on 4 days of its publication in the Official Gazette of Romania, Part I of this Code.

(2) Law no. 301/2004 - the Criminal Code, published in the Official Gazette of Romania, Part I, no. 575 of June 29, 2004, as amended, and Law no. 294/2004 on the execution of punishments and measures ordered by the court during the trial, published in the Official Gazette of Romania, Part I, no. 591 of July 1, 2004, as amended, is hereby repealed.

(3) Within 12 months of the publication of this Code in the Official Gazette of Romania, Part I, the Government will submit the bill to Parliament for adoption for implementation of the Criminal Code.

This law was adopted on June 25, 2009, pursuant to Art. 114 par. (3) of the Romanian Constitution, from liability of the Government in the House of Deputies and the Senate, in joint session on 22 June 2009.

The Chamber of Deputies

ROBERTA ALMA ANASTASE

President of the Senate

Mircea DAN GEOANĂ
Bucharest, July 17, 2009.
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