

**Law No. 7895, dated 27 January 1995**

**CRIMINAL CODE OF  
THE REPUBLIC OF ALBANIA**

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### **LAW No. 7895, dated 27.1.1995**

## **CRIMINAL CODE OF THE REPUBLIC OF ALBANIA**

### **GENERAL PART**

### **CHAPTER I CRIMINAL LAW AND ITS APPLICATION**

#### **Article 1 Criminal Law and classification of criminal acts**

Criminal law defines the criminal acts, the sentencing and other measures taken against the persons who committed them.  
Criminal acts are classified into crimes and contraventions. The distinction between them is made in the provisions of the Special Part of the present Code.

#### **Article 1/a Basics of the criminal/penal legislation**

The Criminal Code is based on the Constitution of the Republic of Albania, general principles of the international penal right, and international treaties ratified by the Albanian state.

The Criminal legislation is composed of this Code and other laws that provide criminal acts.

#### **Article 1/b**

##### **Tasks of the criminal legislation**

The criminal legislation of the Republic of Albania is in charge of protecting the state's dependence and its territorial integrity, human's dignity, human rights and freedoms, constitutional order, property, environment, Albanians' cohabitation and well understanding of Albanians with national minorities, and religious co-habitation; also, the criminal code should prevent the criminal acts.

#### **Article 1/c**

##### **Principles of the Criminal Code**

The Criminal Code is based on the constitutional principles of rule of law, equality under law, fairness in deciding about the guilt and punishment, protecting the highest interest of children and the humanism.

It is not allowed to implement the penal law by analogy.

#### **Article 2**

##### **Unlawful sentencing**

No one may be sentenced for an act, which is not already explicitly provided for by law as a crime or a criminal contravention.

No one may be sentenced with a type and measure of punishment that is not provided for by law.

#### **Article 3**

##### **Operation in time of the criminal law**

No one may be sentenced for an act that, according to the law in effect at the time it was committed, did not constitute a criminal act.

A new law that does not incriminate a criminal act has retroactive effect. If the person has been sentenced, the enforcement of the sentence shall not commence and, if it has commenced, it shall cease.

If a law in force at the time when a criminal act has been committed differs from a subsequent law, the law whose provisions are more favorable to the person who has committed the criminal act shall apply.

#### **Article 4**

##### **Ignorance of law**

Ignorance of the law that punishes a criminal act does not constitute a cause for exclusion from criminal responsibility, unless the ignorance is objectively inevitable.

## **Article 5**

### **Territory of the Republic of Albania**

The Republic of Albania's territory in the sense of criminal law, is defined as the land space, the width of the territorial and internal maritime waters, the air space extending over the land space and over the territorial and internal maritime waters space, as well as over any other place under the sovereignty of the Albanian State, such as the residencies of the Albanian diplomatic and consular missions, the ships carrying the flag of the Republic of Albania, the ships belonging to the military navy, [the carriers] and civil and military aviation wherever they happen to be.

## **Article 6**

### **The applicable law on criminal acts committed by Albanian citizens**

As concerning criminal acts committed by Albanian citizens within the territory of the Republic of Albania, the criminal law of the Republic of Albania shall apply. The criminal law of the Republic of Albania shall also be applicable to the Albanian citizen who commits a crime within the territory of another country, when that crime is concurrently punishable, unless a foreign court has given a final sentence. The rule of Concurrent Sentence is not executed in the territory of another state in the event of crimes of corruption in public or private sectors, and also exercise of illegal impact. In the sense of this article, Albanian citizens shall also be considered those persons who apart from the Albanian citizenship hold another one too.

## **Article 7**

### **The applicable law on criminal acts committed by foreign citizens**

The foreign citizen who commits a criminal act within the territory of the Republic of Albania is held responsible on the basis of the criminal law of the Republic of Albania. The criminal law of the Republic of Albania is also applicable to a foreign citizen who, outside of the Republic of Albania, commits one of the following crimes against the interests of the Albanian State or an Albanian citizen:

- a) crimes against humanity;
- b) crimes against Albanian independence and its constitutional order;
- c) crimes with terrorist purposes;
- d) organizing the prostitution, illegal trafficking of human beings, children and women, manufacturing and illegally trafficking arms, drugs, other narcotic and psychotropic substances, nuclear substances, pornographic materials, and illegal traffic of art works, and objects that have historical, cultural, and archaeological values;
- e)<sup>1</sup>
- f) falsifying the Albanian state seal, Albanian currency, or Albanian bonds or stocks;
- g) crimes which affect the life or health of Albanian citizens, to which the law provides for a punishment by imprisonment of five years or any other heavier punishment;
- h) Laundering the proceeds of the criminal offence or criminal activity.
- i) Corruption in the public or private sector crimes, and insider trading.
- j) criminal offences in the area of information technology.

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<sup>1</sup> Repealed by law 23/20112

## **Article 7/a**

### **Universal jurisdiction**

The criminal law of the Republic of Albania is also applicable to the foreign citizen, who is situated in the territory of the Republic of Albania and has not been extradited, and who has committed outside of the territory of the Republic of Albania one of the following crimes:

- a) crimes against humanity;
- b) war crimes;
- c) genocide;
- d) crimes with terrorist purposes;
- dh) Financing of terrorism.
- e) torture.

The criminal law of the Republic of Albania is also applicable to the foreign citizen, who commits outside of the territory of the Republic of Albania one of the criminal offenses for which specific laws or international agreements, in which Albania is party, provide the applicability of Albanian criminal law.

## **Article 8**

### **Applicable law on criminal acts committed by a person without nationality**

If a person who does not hold any nationality commits a criminal act within the territory of the Republic of Albania or a crime outside it, the provisions of Articles 7 and 7/a of this Code shall apply.

## **Article 9**

### **Persons protected from international law**

The provisions of this Code are also applicable for criminal offences committed against internationally protected persons.

Unless the international treaties ratified by the Albanian state otherwise provide, an internationally protected person is:

- a) The head of a state, including a member of the collegial body who discharge the functions of the head of state under the Constitution of the state in question, the head of the government or the minister of foreign affairs, if they are in another state and the family members accompanying them;
- b) Each representative or official of a state or any official or agent of an international organization of inter-governmental character who, at the time and place of the commission of the criminal offence against them, their office, their private buildings or their means of transport, shall enjoy in accordance with the international law, special protection from any assaults against them, their freedom and dignity and their family members.

## **Article 9/a**

### **Responsibility of a foreign citizen who enjoys immunity**

Any case concerning the responsibility of a foreign citizen who commits a criminal act within the territory of the Republic of Albania and enjoys immunity according to international law is resolved diplomatically.

**Article 10**  
**Validity of criminal sentences of foreign courts**

Unless otherwise provided for by bilateral or multilateral treaties, the criminal sentences of foreign courts on Albanian citizens who declare the committal of a criminal act are valid in Albania within the limits of the Albanian law, also on the following merits:

- a) for the effect of qualifying as recidivist the person who has committed the criminal act;
- b) for executing sentences comprising additional punishment;
- c) for implementing security measures;
- d) for compensation of damages or other civil law effects.

**Article 11**  
**Extradition**

Extradition may be granted only when explicitly provided for by international treaties in which the Republic of Albania is a party.

Extradition shall be granted when both Albanian law and foreign law provide for the criminal act, which constitutes the object of the request for extradition, as such simultaneously.

Extradition shall not be granted:

- a) if the person to be extradited is an Albanian citizen, unless otherwise provided for by the treaty;
- b) if the criminal act constituting the object of the request for extradition is of a political or military nature;
- c) when there is reasonable ground to believe that the person requested to be extradited will be persecuted, punished or wanted because of his political, religious, national, racial or ethnic beliefs;
- d) if the person requested to be extradited has been tried by a competent Albanian court for the same criminal act for which extradition is requested.

**CHAPTER II**  
**CRIMINAL RESPONSIBILITY**

**Article 12**  
**Age for criminal responsibility**

A person bears criminal responsibility if, at the time he or she commits a crime, he or she has reached the age of fourteen.

A person who commits a criminal contravention bears responsibility at the age of sixteen.

**Article 13**  
**Causal connection**

No one bears criminal responsibility if there is no causal connection between his action or inaction and the actual consequences or their probability to be realized.

**Article 14**  
**Guilt**

No one shall be sentenced for an action or inaction that is provided for by law as a criminal act if the latter is not guilty of committing the action or inaction.

A person is guilty if he commits the criminal act intentionally or because of negligence.

### **Article 15**

#### **Intention**

A criminal act is committed intentionally when the person foresees the consequences of the criminal act and desires them to occur or, although he foresees but does not want them, consciously allows them to occur.

### **Article 16**

#### **Negligence**

A criminal act is committed because of negligence when the person, although he does not want its consequences, foresees the possibility of their occurrence and with lack of consideration hopes to avoid them, or when he does not foresee the consequences, but according to the circumstances, he should and could have foreseen them.

### **Article 17**

#### **Irresponsibility because of the person's mental state**

A person does not bear criminal responsibility if, at the time of the commitment of the act, he suffered from psychic or neuropsychic disorders ruining his mental balance entirely and, consequently, was unable either to control his actions or omissions, or to understand that he is committing a criminal act.

A person is responsible if, at the time of the committal of the criminal act, he suffered from psychic or neuropsychic disorders which lowered his mental balance [and capacity] to understand and fully control his actions or inactions, but this circumstance will be considered by the court when deciding on the degree and the kind of punishment.

### **Article 18**

#### **Criminal act committed when inebriated**

A person is not excluded from criminal responsibility if he commits the act while inebriated. When the state of inebriation is accidental and brings about the lowering of mental balance, the court considers this circumstance for mitigating the sentence. When the person is intentionally inebriated in order to commit a criminal act, the court considers this circumstance for aggravating the sentence.

The above-mentioned rules are also applied when the criminal act is committed under the effect of narcotics or other stimulants.

### **Article 19**

#### **Necessary defence**

A person bears no criminal responsibility if he commits the act while being compelled to protect his or somebody else's life, health, rights and interests from an unfair, real and accidental attack, provided that the defence is proportionate to the dangerousness of the attack.

Obvious disproportion between them constitutes excessiveness over the limits of necessary defence.

**Article 20**  
**Extreme necessity**

A person does not bear criminal responsibility if he commits the criminal act because of the necessity to confront a real and instant danger which threatens him, another person or property from a serious damage which is not avoidable through other means, unless it has been instigated by him and the damage incurred is greater than the damage avoided.

**Article 21**  
**Exercising a right or fulfilling a duty**

A person bears no criminal responsibility if he acts to exercise rights or fulfil duties determined by law or an order ruled by a competent authority, unless the order is obviously unlawful.

When the criminal act is committed as a result of an unlawful order, then the person who has given such an order shall be held responsible.

**CHAPTER III**  
**ATTEMPT**

**Article 22**  
**Meaning of attempt**

A criminal act is considered an attempt when, although the person undertakes straightforward actions to commit such criminal act, it is discontinued or is not completed due to circumstances independent of his will.

**Article 23**  
**Responsibility for the attempt**

The person attempting to commit a crime shall be held responsible.

Considering the stage until the realization of the consequence, as well as the causes due to which the crime remained an attempt, the court may mitigate the sentence, and may lower it under the minimum provided for by law, or may decide for a kind of punishment lower than the one provided for by law.

**Article 24**  
**Giving up the committal of a criminal act**

A person bears no criminal responsibility if, on his own will and in a definite way, he declines to commit a criminal act, despite the opportunities he may have for committing the act.

In the case that the actions committed up to that time contain elements of another criminal act, the person shall be held responsible for the acts committed.

## **CHAPTER IV**

### **COLLABORATION OF PERSONS IN COMMITTING CRIMINAL ACTS**

#### **Article 25**

##### **Meaning of collaboration**

Collaboration is the agreement of two or more persons to commit a criminal act.

#### **Article 26**

##### **Collaborators**

Collaborators in committing a criminal act are considered: the organizers, executors, instigators, and helpers.

Organizers are those persons who organize and manage the activity to commit the criminal act.

Executors are those persons who carry out direct actions to carry out the criminal act.

Instigators are those persons who instigate the other collaborators to commit a criminal act.

Helpers are those persons who, through advice, instructions, provision of means, abolition of obstacles, promises to hide collaborators, tracks or objects deriving from the criminal act, help to carry it out.

#### **Article 27**

##### **Responsibility of collaborators**

Organizers, instigators, and helpers bear the same responsibility as the executors for the criminal act committed.

In deciding the sentencing of collaborators, the court should consider the level of participation and the role played by everyone in committing the criminal act.

#### **Article 28**

##### **Special forms of collaboration**

1. Criminal organization is the highest form of cooperation that is composed of three or more persons and that can be distinguished by the special degree of organization, structure, stability, duration, as well as by the purpose of committing one or more criminal acts to gain material or non-material benefits.

2. The terrorist organization is a special form of the criminal organization, composed of two or more persons that have a stable collaboration extended in time, with the purpose of committing acts with terrorist purposes.

3. The armed gang is a special form of cooperation that, by possessing arms, military armaments and other necessary means, aims at the commission of criminal acts provided in Chapter V, VI and VII of the Special Part of this Code.

4. The structured criminal group is a special form of cooperation, composed of three or more persons, which have the purpose of committing one or more criminal acts, and which aim at achieving material and non-material benefits.

The structured criminal group for the commission of a criminal act is not established spontaneously and it is not necessary to distinguish it for consistent membership, division of duties, elaborated structure and organization.

5. Creation and participation in a criminal organization, terrorist organization, armed gang, or structured criminal group constitute criminal acts and are punished according to the provisions of the special part of this code or other special criminal provisions.

6. Members of the criminal organization, of the terrorist organization, of the armed gang, or of the structured criminal group are liable for all the criminal acts committed by them in fulfilling the aims of their criminal activity.

7. The member of the criminal organization, of the terrorist organization, of the armed gang, or of the structured criminal group, benefits exemption from sentencing or a reduction of the sentence, when he provides a contribution that is deemed as decisive for receiving knowledge on their activity, of the other collaborators, on wealth owned directly or not by them, as well as on the investigative activities, conducted on the criminal organizations, on terrorist organizations, armed gangs and structured criminal groups.

## **CHAPTER V PUNISHMENTS**

### **Article 29**

#### **Principal punishments**

The following punishments shall apply to persons that have committed crimes:

1. Life imprisonment;
2. Imprisonment;
3. Fine.

A person who has committed a criminal contravention shall suffer the following principal punishments:

1. Imprisonment;
2. Fine.

Sentence with imprisonment or fine are given together, when provided in the respective provisions of this Code.

### **Article 30**

#### **Supplementary punishments**

Besides the principal punishment, a person who has committed crimes or criminal contravention may also be punishable by one or some of the following supplemental punishments:

1. Denial of the right to exercise public functions;
2. Confiscation of criminal crime committal means and criminal crime proceeds;
3. Ban on driving;
4. Stripping off decorations, honorary titles.
5. Deprivation of the right to exercise a profession or skill;
6. Deprivation of the right to undertake leading positions related to juridical persons;
7. Denial of the right to stay in one or some administrative units;
8. Expulsion from the territory;
9. Compulsion to make the court sentence public.

In particular cases, when the principal punishment is deemed to be inappropriate and when the law provides for imprisonment up to three years or other lighter punishments, the court may decide to apply only the supplementary punishment.

10. Loss of parental liability.

### **Article 31**

#### **Life imprisonment**

The court decides for life imprisonment when a serious crime has been committed. Life imprisonment is not applied to persons younger than eighteen years old, at the time when the crime is committed, or to women.

### **Article 32**

#### **Imprisonment**

The imprisonment sentence for crimes ranges from five days to thirty -five years. The imprisonment sentences for criminal contravention ranges from five days to two years.

### **Article 33**

#### **The manner of serving life imprisonment and imprisonment**

Life imprisonment and imprisonment are served at special institutions set up specifically for this purpose.

The rules concerning the manner of serving the sentence of imprisonment, and the prisoner's rights and duties are defined by law.

Juveniles serve imprisonment sentences in separate institutions from adults.

Women serve imprisonment sentences in separate institutions from men.

### **Article 34**

#### **Fines**

Fine consists of paying to the state an amount of money within the range provided for by law. Fines are imposed upon persons who commit crimes or criminal contraventions.

Persons who commit crimes are fined in the range of 100 000 up to ten million Lek.

Persons who commit contraventions are fined in the range of 50 000 up to three million Lek.

For the persons who commit crimes for motives of gaining property or securing any other kind of material benefit the Court shall decide, pursuant to article 36 of this Code, to confiscate the means of the commission of the criminal offence and the proceeds of the criminal offence or, in their absence, a punishment by a fine ranging from 100 thousand up to 5 million Lek.

The court imposes the punishment to payment of a fine after investigating the payable ability of the person. The payable ability is determined by the personal and property status of the person and also by other circumstances related to them. The fine must be paid within the deadline fixed by the court.

The court, while considering the economic status of the defendant, may allow him to pay his fine by instalments, fixing their amount and the terms of the payment.

When the convicted defendant does not pay the fine and fine cannot be collected through imposition, the court decides to convert fines to sentence by imprisonment calculating it 5 thousands ALL for a day imprisonment.

When the convicted defendant cannot pay the fine in due time without his/her fault and if the criteria, which determine the fine, have been changed after the taking of the decision and do not justify obviously the payment of the fine, then the convicted defendant can request:

- a) postponement of payment deadline up to six months;
- b) accomplishment of a work of public interest.

Whether the court orders the accomplishment of a public interest work, the rules under Article 63 of the Penal Code are applied. If the fine is not paid even after the postponement of the deadline, or if the convicted defendant doesn't carry out the work of public interest, the court decides to convert the fine to sentence by imprisonment.

When the fine is not paid in due time, the court decides on replacing the fine with imprisonment, calculating 5 000 Lek per one day of imprisonment.

When the fine is imposed for a crime committed, its replacement with imprisonment cannot exceed three years, whereas when is imposed for a criminal contravention, the replacement cannot exceed one year of imprisonment, but always without exceeding the maximum of imprisonment provided for by the relevant provision. If penal provisions don't prescribe the sentence by imprisonment, the maximum imprisonment punishment imposed is six months. When the person convicted, as above, pays off his fine during the imprisonment term, the court revokes its sentence and makes the calculations according to paragraph 8 of this Article.

### **Article 35**

#### **The removal of the right to exercise public functions**

The removal of the right to exercise public functions for a period of no less than five years is obligatorily given on a person, who has committed an office-related crime by abusing with his public function, or has committed a crime, which the courts punishes with an imprisonment sentence of no less than ten years.

The removal of the right to exercise public functions can be applied for a period from three to five years for cases, on which the court has given a sentence of five to ten years of imprisonment, and from one to three years, when the sentence given is up to three years of imprisonment.

### **Article 36**

#### **Confiscation of means for committing the criminal crime and criminal crime proceeds**

1. Confiscation is given necessarily by the court and has to do with reception and transfer in the state's favor:

- a) of the objects that have served or are specified as means for committing the criminal act;
- b) of criminal act proceeds, where it is included any kind of asset, as well as legal documents or instruments verifying other titles or interests in the asset waiting upon or gained directly or indirectly from the criminal act committal;
- c) of the promised or given remuneration for committing the criminal act;
- ç) of any other asset, whose value corresponds to the criminal act proceeds;
- d) of objects, whose production, use, holding or their alienation make a criminal act crime, and when the sentence decision is not given;

2. If the criminal act's proceeds are transformed or partly or fully converted into other assets, the latter is subject to confiscation;

3. If criminal act's proceeds are merged with assets gained legally, the latter are confiscated up to the value of the criminal act proceeds;

4. Subject to confiscation are also other incomes or profits from the criminal act proceeds, from assets that are transformed or altered to criminal act proceeds, or from assets with which these proceeds are involved, in the same amount and manner as the criminal act proceeds.

### **Article 37**

#### **Ban on driving**

Ban on driving is imposed by the court for a period within the range of one to five years, toward persons who have committed a criminal act, when it is deemed that it will have a preventive effect or is linked to the nature of the act committed.

### **Article 38**

#### **Stripping decorations and honorary titles**

A person is stripped of decorations and honorary titles if he commits a criminal act punishable by imprisonment and it is deemed that maintaining them does not comply with the nature of the criminal act committed.

Stripping decorations and honorary titles shall be permanent if the person is sentenced for a crime for more than ten years of imprisonment, and shall last from one to five years, if he is sentenced up to ten years of imprisonment.

### **Article 39**

#### **Deprivation of the right to exercise a profession or activity**

The deprivation of the right to exercise a profession or conduct an activity prohibits the convicted person from exercising the profession or activity for which a special permit, certificate, authorisation or licence has been issued from the competent body.

Deprivation of the right to exercise a profession or conduct an activity shall be imposed from one month to five years and is a result of any sentence for criminal offences committed by abusing such exercise, or when it is estimated that the further exercising of the activity or profession violates the juridical relation which the actual criminal offence aims to protect.

### **Article 40**

#### **Deprivation of the right to hold leading positions**

Deprivation of the right to hold leading positions within the context of legal persons denies the convicted the right to exercise the duty of director, administrator, manager, liquidator, or perform any other duty relevant to the qualification of the representative of a legal person. Deprivation of the right to hold leading positions within the context of a legal person is a result of any punishment for criminal acts and is provided for a period of time ranging from one month to five years, when the convicted has abused his authority or has acted in violation of the rules and regulations related to his duty.

When the sentence given by the court is no less than five year imprisonment, this right could be removed for a period of five to ten years.

### **Article 41**

#### **Denial of the right to stay in one or more administrative units**

The denial of the right to stay in one or more administrative units is decided by the court for a period of time ranging from one to five years, when it is deemed that the convicted stay in those areas constitutes a danger for the public security.

### **Article 42**

#### **Expulsion from the territory**

Expulsion from the territory of the Republic of Albania is decided by the court toward a foreign citizen or person without nationality who commits a crime and it is deemed that his further stay in the territory of the Republic of Albania should no longer continue. The court may revoke the decision through the request of the convicted, when the foreign citizen or the person without nationality gains Albanian citizenship.

### **Article 43**

#### **Publication of court sentences**

The court decides the publication of the court sentence when it deems that the disclosure of the content of the sentence interests legal and physical persons.

The publication of the court sentence consists of compelling the convicted to publish the court decision, at his own expenses, in one or some newspapers or RTV stations, in its entirety or partially, according to the ruling of the court.

The court decides the publication date and the length of time.

The press and mass media are obliged to publish the court sentences sent by the court.

The publication of court sentences is not granted when the divulgence of a state secret is threatened, the private life of people is violated or public moral is afflicted.

### **Article 43/a**

#### **Loss of parental liability**

Loss of parental liability is imposed by the court on the person who is exercising the parental liability, when he/she is convicted as an offender or co-offender in a criminal offense against the child or as co-offender with the child in commitment of a criminal offense”.

### **Article 44**

#### **The manner of serving supplementary punishments**

If the court, in addition to the imprisonment punishment, gives one or more supplementary punishments provided for in Article 30 of this Code, their implementation commences simultaneously.

As for the paragraphs 1, 3, 5, 6, 7 and 8 of Article 30 of this Code, their implementation commences after the completion of imprisonment. The rights of the convicted afflicted by the supplementary punishments may not be enjoyed during the period of imprisonment.

### **Article 45**

#### **The Application of the criminal law on legal persons/entities**

The legal persons, with the exception of the state, are criminally responsible for criminal acts performed by their bodies or representatives on their behalf or for their benefit.

The local government entities are criminally responsible only for the actions performed during the exercise of their activity that may be exercised by the delegating public services.

The criminal responsibility of the legal persons does not exclude that of the physical persons that have committed criminal acts or are collaborators for the committal of the same criminal acts.

The criminal acts and the sanctioning measures taken against the legal entities, as well as the procedures for the approval and application of these measures are regulated by a special law.

**Article 46**  
**Medical and educational sanctions**

The court may decide medical sanctions toward mentally incapable persons who have committed criminal acts, whereas educational sanctions may be decided toward minors who are excluded from punishment or, because of their age, do not bear criminal responsibility.

Medical sanctions are the following:

1. Compulsory outpatient treatment medical treatment;
2. Compulsory medical treatment in a medical institution;

Educational sanction is the following:

1. Placement of a minor in an institution for education.

The court can revoke, at any time, the sentence of medical or educational sanctions if the circumstances under which they were taken cease to exist, but, in any case, the court is obliged to reconsider its decision after one year from the date of the court sentence.

The rules relevant to revoking the court sentence, which contain medical and educative sanctions, are provided for in the Code of Criminal Procedure.

**CHAPTER VI**  
**DETERMINATION OF PUNISHMENT**

**Article 47**  
**Determination of punishment**

The court determines the punishment in compliance with the provisions of the general part of this code and the margins of punishment on criminal acts provided for by law.

In determining the range of punishment against a person, the court considers the dangerousness of the criminal act, the dangerousness of its perpetrator, the level of guilt, as well as both mitigating and aggravating circumstances.

**Article 48**  
**Mitigating circumstances**

The following circumstances mitigate the punishment:

- a) When the act is committed due to motivations of positive moral and social values;
- b) When the act is committed under the effect of a psychiatric distress caused by provocation or the unfair acts of the victim or some other person;
- c) When the act is committed under the influence of wrong actions or instructions of a superior;
- ç) When the person who has committed the act shows deep repentance;
- d) When the person has compensated for the damage caused by the criminal act or has actively helped to eliminate or decrease its consequences;
- dh) When the person gives himself over to the competent authorities after committing the criminal act;
- e) When the relationship between the offender and the victim has improved to normalcy.

The mitigating circumstance envisaged in letter “a” of the first paragraph of this article, shall not mitigate the sentence in the event the criminal offence is committed under the circumstances envisaged in letter “j” of Article 50 of this Code.

The mitigating circumstance envisaged in letter “e” of the first paragraph of this article, shall not mitigate the sentence of a person who commits a criminal offence against children or a criminal offence related to domestic violence

## **Article 49**

**[No title in the original]**

Regardless of the circumstances mentioned in Article 48 of this Code, the court may also consider other circumstances as long as it deems them as such to justify the mitigation of the sentence.

## **Article 50**

### **Aggravating circumstances**

The following circumstances aggravate the punishment:

- a) When the act committed is based upon weak motives;
- b) When the act is committed for the purpose of making responsible or hiding the criminal responsibility of a third person, or for avoiding the conviction for another criminal act, or for gaining or providing wealth benefits for yourself or for third parties, or any other material benefit;
- c) When the criminal act is committed savagely and ruthlessly;
- ç) When a crime is committed after a conviction was decided for a previous crime;
  - ç/1) commission of a criminal offence after subjecting the person under electronic supervision;
- d) When actions that aggravate or increase the consequences of a criminal act are committed;
- dh) The commission of the criminal act by abusing the public office or the religious service.
- e) When the act is committed against children, pregnant women, or other people who, for different reasons, cannot protect themselves;
  - e/1) commission of a criminal offence during or after the issuing of a court order of protection from domestic violence;
- f) When the act is directed against representatives of other states;
- g) when an offence is committed by profiting from family, cohabitation, friendship, hospitality relations;
- gj) When the act is committed in collaboration;
- h) Committing the penal act more than once;
- i) When the act is committed using weapons, military ammunitions, explosive, burning, poisonous, and radioactive substances;
- j) the commission of the offence due to motives related to gender, race, [skin] colour, ethnicity, language, gender identity, sexual orientation, political, religious, or philosophical convictions, health status, genetic predispositions or disability..

## **Article 51**

### **Imprisonment sentence for minors**

For minors, who at the time they committed the criminal act were under eighteen years old, the imprisonment sentence may not exceed half of the term of punishment provided for by law for the criminal act committed.

## **Article 52**

### **Excluding minors from punishment**

The court, considering the low dangerousness of the criminal act, the specific circumstances under which it was committed, and the previous behavior of the minor, may exclude him from punishment.

In this case the court may decide to place the minor to an educational institution.

#### **Article 52/a**

##### **Exemption from serving the sentence or reduction of the sentence for collaborators of justice and victims**

The person who promises or gives rewards or other benefits, according to articles 164/a, 244, 244/a, 245, 312, 319, 319/a, 319/b, 319/c and 328 of this Code, may obtain an exemption from serving the sentence or a reduction of the sentence, in the event the person reports and gives assistance during the criminal proceedings of these offences. When issuing the decision, the court shall also consider the time when the report is filed, and the occurrence, or not, of the consequences of the offence.

The victim of criminal offences related to trafficking in human beings, may obtain exemption from the sentence for committing criminal offences during the trafficking period and to the extent the person had been obliged to commit the illegal actions or failure to act”.

The person sentenced for one of the criminal offences related to trafficking of narcotics, arms or munitions, trafficking in human beings or criminal offences committed by criminal organisations, who collaborates and assists the criminal prosecuting authorities in fighting against them, or, where appropriate, in uncovering other persons who commit such crimes, cannot be sentenced for a period of more than half of the sentence foreseen for the offence committed by him/her. In particular cases, the person may be excluded from such sentence when mitigating circumstances are in his favour.

#### **Article 53**

##### **Decrease of sentence under the minimum provided for by law**

In special cases, when the court deems that both the act and the person who committed it are of small dangerousness and there are several mitigating circumstances, and there is no aggravating circumstance the court may sentence under the minimum or may decide a punishment lower than the one provided for in the respective provision.

#### **Article 54**

##### **Accepting to pay the fine**

As concerns criminal contraventions for which, besides the fine, an imprisonment sentence is also provided, the court, upon the request of the person who committed the criminal contravention, may decide to accept a lump sum payment in favor of the state budget, equal to half of the maximum fine provided for criminal contravention by the General Part of this Code.

The request may be presented at any stage of the trial proceeding before the final decision [at the court] of first instance.

When the court rejects such a request, it sentences [the defendant] for the act committed.

The request is not accepted for persons previously convicted also for criminal contraventions.

#### **Article 55**

##### **Sentencing for more than one criminal act**

When actions or non-actions contain elements of more than one criminal act, and when the person has committed more than one criminal act for which no sentence has been given, the court first sentences every criminal act separately, and, in the end, gives a single sentence, which consists of the heavier added sentence.

The most severe additional sentence in the event a person has committed a deliberate crime against life through the unauthorised use of military weapons and ammunition, is comprised of the total amount of the respective sentences for each of the criminal offences.

The heavier added sentence may exceed neither the total sum of the punishments determined separately nor the maximum provided for the type of the sentence given.

When the court deems that committing more than one crime does not demonstrate serious dangerousness of the defendant, it may give as a final sentence the heaviest punishment provided for one of the criminal acts.

In giving its final decision, the court sentences one or more of the supplementary punishments given separately for each particular crime.

### **Article 56**

#### **Unification of sentences**

If before serving the full sentence, the convicted is sentenced for a criminal act committed prior to the sentencing, the rules of the previous article shall apply, and the already served portion will be calculated into the new sentence.

When the convicted commits a new criminal act after his sentencing, but before the full term of the sentence is served, the court unifies the new sentence with the remaining portion of the previous term, according to the rules provided for in Article 55 of this Code.

### **Article 57**

#### **Calculation of detention**

Detention period is calculated in imprisonment, fine and as well as in work in the public interest as follows:

One day of detention equals to one day and a half of imprisonment.

One day of detention equals to five thousand Lek of fine.

One day of detention equals to eighteen working hours in public interest.

## **CHAPTER VII ALTERNATIVES TO IMPRISONMENT**

### **Article 58**

#### **Semi-freedom**

For sentences up to one year of imprisonment, the court, due to the obligations of the punished person in relation to work, education, qualification or professional training, essential family responsibilities or the need for medical treatment or rehabilitation, may decide the execution of the sentence with imprisonment in semi-freedom.

The sentenced person that serves the sentence in semi-freedom is obliged to return to prison, after carrying out responsibilities outside of prison, within the deadline established by the court.

When the sentenced person does not fulfill the obligations according to this article, article 62 of this Code is implemented.

## **Article 59**

### **Suspension of the execution of an imprisonment sentence and placing of the sentenced person under probationary**

Due to the low dangerousness of the person, his/hers age, health and mental condition, life style, and the needs especially of those related to the family, education or work, the circumstances under which the criminal act was committed as well as the conduct of the person after the committal of the criminal act, the court, when rules for a sentence with imprisonment for up to five years, may order the convict to keep contacts with the probationary service and be placed in probationary, by suspending the sentence execution, with the condition that during the probationary period, he/she does not commit another criminal act.

The court orders that the defendant fulfils one or more obligations, provided for in the article 60 of this Code.

The probation period extents from eighteen months to five years.

If the convict doesn't keep in touch with the probationary service or doesn't fulfill the obligations provided for in the article 60, as ordered by the court, the later decides the replacement of the first sentence with another sentence, prolongation of the deadline, within the probationary period, or revocation of the suspension of the decision execution.

## **Article 59/a**

### **Home confinement (stay)**

For sentences with imprisonment for up to two years or when this time is the remaining time left off of the sentence, according to a decision for a longer time of the imprisonment, the court may decide for the convict to suffer the punishment at home, in a private house or a center of social and health care, when the following circumstances exist:

- a) for pregnant women or mothers with children of under ten years of age, that live with her.
- b) for fathers, who have the parental responsibilities for the child of under ten years of age, who lives with him, when the mother is deceased or unable to take care of the child.
- c) for persons, in grave medical conditions, that require continuous medical care, outside of the prison.
- d) for persons of age over sixty years old, who are medically incapable
- e) for juveniles, under the age of twenty one, with documented medical, study, work or family responsibilities needs.

The court, under the circumstances provided for in letter "a" and "b" of first paragraph of this article, cannot rule the serving of sentence of house arrest for persons who have committed a criminal offence against his/her spouse, cohabitant or child.

The court may allow the convicted persons with home stay to leave their residence, to fulfill their necessary family needs, to engage in work activities, education or rehabilitation programs, which the probationary services has agreed upon.

In such case, the court defines the measurements that need to be taken by the probationary service.

The court revokes the home stay and substitutes it with another punishment, when the foreseen conditions provided for in the first paragraph of this article cease to exist. If the convict leaves its residence without the prior authorization of the court or violates obligations assigned in the court decision, than article 62 of the code is applied.

## **Article 60**

### **Obligations of the sentenced person in probationary**

The sentenced person, who is placed under probation, may be obligated by the court to fulfil one or more of the following obligations:

1. To exercise a professional activity or to receive an education or a professional training.
2. To use its wage and its income, or other assets to pay for the family obligation fulfilment
3. To compensate for the civil damage that was caused
4. To be banned from driving specific vehicles
5. To not exercise professional activities when the criminal act is related to such activity
6. To not frequent specific places
7. To not frequent locations where alcoholic beverages are served
8. To remain in his residence during specified hours
9. To not associate with specific individuals, mainly other convicts or collaborators in the criminal act.
10. To not possess, carry or use weapons
11. To be medicated or rehabilitated in a medical institution or to be submitted in a treatment, medical or rehabilitation program
12. To stop the usage of alcohol and narcotics

In defining the obligations of the convict, the court takes in consideration the age of the convict, mental condition, life style and its needs, especially the ones related with family, education or work, the motives for conducting the criminal act, his attitude after the committal of the criminal act as well as other circumstances that influence in deciding the obligations according to this article and their application.

## **Article 60/a**

### **Obligation to quit use of alcohol or drugs**

The court decides to impose against an offender on probation, with a chronic alcohol or narcotics dependence, the obligation to undergo medical treatment to stop using alcohol or drugs.

The medical treatment to stop using alcohol or drugs shall be taking place in the specialised medical institution, as decided by the Ministry of Health upon request from the Probation Service.

The Probation Service shall oversee the execution of the court decision and report immediately to the prosecutor in the event the offender does not fulfil the imposed obligation.

## **Article 61**

### **The convict's obligations during probation**

During probation the convicted is obliged:

- a. To present regularly and inform continuously the probationary services on the fulfilment of the conditions and obligations defined by the court.
- b. To obtain consent from the supervising authorities of probation for any changes of residence or job, or visits abroad.

## **Article 62**

### **Violation of the conditions and obligations during the probationary period**

If, during the term of probation, the convicted commits a criminal act of, the court may change the obligations set, replace the sentence issued with another one or shall revoke fully or partly the suspending decision.

If the convict, during the probation term, violates the conditions or obligations that were set, the probation services report immediately to the prosecutor

For minor violations of conditions and obligation decided by the court, which were committed for the first time, the prosecutor has the right to give a warning, which is registered in the personal file of the convict.

For severe and repeated violations, the prosecutor requests the court to change the decided sentence, add other obligations, replacement of them with other sanctions or the revocation of the decision for the suspension of the sentence and request for the remaining of the sentence to be served in jail.

### **Article 63**

#### **Suspension of imprisonment sentence and compulsion to perform work in public interest**

The court may suspend the imprisonment sentence if the latter is less than one year, and replace it with the compulsion to perform work in public interest, if the person and the circumstances under which the criminal act was committed are of low danger.

Work in public interest extends from forty to two hundred and forty hours and consists in the performance of work with or without consent by the convicted and without him receiving a payment of it, in public interest or to the benefit of an organization as nominated in the court verdict.

This obligation may not be imposed if the convicted refuses the suspension during the court hearing.

Work in favor of public interest is performed within a six-month term.

In its sentence the court determines the number of working hours and the obligation for the convict to keep contact with the probationary services. The probationary services decides on the kind of work it will be performed, the place and the week days when the work will be performed, keeping in mind his regular employment or his family obligations. The time of the work performed on the interest of the public should not exceed eight hours a day. If the convict does not perform work in the public interest, keep contacts with the probationary services, or violates the conditions or other obligations decided by the court, the prosecutor will inform the court. After the work is performed the sentence is considered non-existent. The court in such case follows the rules provided in the article 62 of this Code.

### **Article 64**

#### **Early Release on parole**

The prisoner could be released earlier on parole from serving the sentence only for specific reasons, if by his behavior and work he demonstrates that by the time served, the purpose of his education is fulfilled, and when he has spent:

- no less than half of punishment time given for criminal contraventions;
- no less than 2/3 of the punishment given for committing crimes punishable by imprisonment up to five years;
- no less than  $\frac{3}{4}$  of the punishment for crimes punishable by imprisonment from five to twenty five years;

In the time spent in prison, the time reduced by amnesty or pardon is not counted.

It is not allowed to release early on parole a recidivist for crime committed with Intent as well as for persons sentenced for the criminal offences envisaged in articles 78/a, 79/a, 79/b, 79/c or the third paragraph of article 100.

Early release on parole is revoked by the court, when the convict sentenced for an intentionally committed crime, during parole period, commits another intentional criminal act; in this case, the provisions on unification of punishments shall be applied.

### **Article 65**

**[No title in the original]**

A convicted serving life imprisonment is deprived of the right to release on parole. Only in extraordinary circumstances may the convicted serving life imprisonment be released on parole, [and precisely when]:

He has served no less than twenty-five years of imprisonment and, during the period serving his sentence, has had excellent behavior and it is deemed that the educational aim has been achieved.

### **Article 65/a**

#### **Security Period**

While taking the decision, the court can also determine a security period, during which, Article 64 of this Code is not allowed to be executed, provided that there is one of the following circumstances:

- a) criminal offense, which punishment is more than five years;
- b) criminal offence is committed severely and cruelly;
- c) when the tort is committed against children, pregnant women or against persons that, for different reasons, cannot be defended;
- ç) when the tort is carried out benefiting from family relation or cohabitation;
- d) when the commitment of the penal offence is driven by motives that have to do with gender, race, religious, nationality, language, political, religious and social convictions. The security period extends over a time limit from three thirds of the sentence given by the court up to complete duration of penal punishment”.

## **CHAPTER VIII**

### **CESSATION OF CRIMINAL PROSECUTION, PUNISHMENTS, AND THEIR NONEXECUTION**

### **Article 66**

#### **Prescription Statute of limitations for criminal prosecution**

Criminal prosecution shall not be conducted if; from the moment the act was committed until the moment that the person is held defendant, have elapsed:

- a) twenty years on crimes for which the law provides sentences of no lower than ten years of imprisonment or other heavier punishment.
- b) ten years on crimes for which the law provides sentences between five and ten years of imprisonment;
- c) five years on crimes for which the law provides sentences up to five years of imprisonment or fine;
- ç) three years for criminal contraventions for which the law provides sentences up to two years of imprisonment;

d) two years for criminal contraventions for which the law provides fines.

#### **Article 67**

#### **Non-prescription Non-operation of the statute of limitations on criminal prosecution**

There is no statute of limitation operative for the criminal prosecution against war crimes and crimes against humanity.

#### **Article 68**

#### **Prescription of the sentence's execution**

The sentence is not executed if from the day it became final have elapsed:

- a) twenty years for imprisonment sentences between fifteen to twenty-five years;
- b) ten years for imprisonment sentences between five to fifteen years;
- c) five years for imprisonment sentences of up to five years or other lower sentences.

#### **Article 69**

#### **[Legal] Rehabilitation**

The sentencing of the following is considered null and void the sentencing of:

- a) those who are convicted with imprisonment sentences less than six months or with any other lower sentence, who have not committed any other criminal act for two years since the [last] day of their served sentence.
- b) those who are convicted of imprisonment sentences ranging from six months up to five years and who have not committed other criminal act for five years since the [last] day of their served sentence
- c) those who are convicted of imprisonment sentences ranging from five to ten years and who have not committed any other criminal act for seven years since the [last] day of their served sentence.
- ç) those who are convicted of imprisonment sentences ranging from ten to twenty five years and who have not committed any other criminal act for ten years since the [last] day of their served sentence.

#### **Article 70**

#### **Pardon**

Through the act of pardoning the competent authority either excludes the person completely or partially from serving the court sentence or substitutes the sentence with a lower one.

#### **Article 71**

#### **Amnesty**

Through the act of amnesty the competent authority excludes a person from criminal prosecution, from serving the sentence completely or partially, or substitutes the sentence with a lower one.

Amnesty includes all those criminal acts committed up to one day prior to its announcement unless otherwise provided for by the respective act.

## **Article 72**

### **Applicability of provisions of the General Part**

The provisions of the General Part of this Code shall also apply to other criminal acts provided for as such by special laws.

## **SPECIAL PART**

### **CHAPTER I**

#### **CRIMES AGAINST HUMANITY**

## **Article 73**

### **Genocide**

The execution of a premeditated plan aiming at the total or partial destruction of a national, ethnic, racial or religious group directed towards its members, and combined with the following acts, such as: intentionally killing a group's members, serious physical and psychological harm, placement in difficult living conditions which cause physical destruction, applying birth preventing measures, as well as the obligatory transfer of children from one group to another, is sentenced with no less than ten years of imprisonment, or with life imprisonment.

## **Article 74**

### **Crimes against humanity**

Murder, enforced disappearance, extermination, enslaving, internment and evictions, and any other kind of human torture or violence committed according to a concrete premeditated plan or systematically, against a group of the civil population for political, ideological, racial, ethnical and religious motives, shall be punishable by not less than fifteen years of imprisonment or life imprisonment.

### **Article 74/a**

#### **Computer dissemination of materials in favor of genocide or crimes against humanity**

Offering in public or deliberately disseminating to the public through computer systems materials that deny, minimize significantly, approve of or justify acts that are genocide or crimes against humanity are punishable by three to six years of imprisonment.

## **Article 75**

### **War crimes**

Acts committed by different people in war time such as murder, maltreatment or deportation for slave labor, as well as any other inhuman exploitation to the detriment of civil population or in occupied territory, the killing or maltreatment of war prisoners, the killing of hostages, destruction of private or public property, destruction of towns, commons or villages, which are not ordained from military necessity, are sentenced with no less than fifteen years of imprisonment, or life imprisonment.

## **CHAPTER II**

### **CRIMINAL ACTS AGAINST THE PERSON**

#### **CRIMES AGAINST LIFE**

## **SECTION I CRIMES AGAINST LIFE COMMITTED INTENTIONALLY**

### **Article 76 Murder with intent**

Murder committed with intent shall be punishable by a term of ten to twenty years of imprisonment.

### **Article 77 Murder with intent connected to another crime**

The act of murder, which leads, comes along, hides or follows another crime, shall be punishable by imprisonment for not less than twenty years.

### **Article 78 Premeditated homicide**

Pre-meditated homicide is punished by imprisonment from fifteen-twenty five years. Homicide committed for interests<sup>2</sup> or revenge shall be punished with imprisonment of not less than twenty years or life imprisonment .

### **Article 78/a Murder for blood feud**

Intentional homicide for blood feud shall be punishable by imprisonment of not less than thirty years or life imprisonment.

### **Article 79 Homicides committed in other specific circumstances**

Deliberate homicide committed:

- a) against minors;
- b) against physical or psychic handicap persons, very ill persons or pregnant women, when the victim's attributes are evident or known;
- c) against the MP (deputy), judge, prosecutor, lawyer, policeman, military officer, other public officials, when they are carrying out their duty or because of their duty, when the victim's attributes are evident or known;<sup>3</sup>
- ç) against the denouncer, witnesses, victims or other judicial elements/parties;
- d) more than once;
- dh) against two or more persons;
- e) in such a manner that causes particular suffers to the victim;
- ë) in a dangerous way regarding the life of many persons is punished by imprisonment of not less than twenty years or by life in prison.

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<sup>2</sup> Translator's note: In Albanian it refers to gaining financial profits

<sup>3</sup> Point c) is abrogated by law 144/2013

**Article 79/a**  
**Murder of public officials**

Intentional homicide of a member of parliament, judge, prosecutor, lawyer, military, or other public officials during their duty or because of their duty, when the capacities of the victim are evident or known, shall be punishable by imprisonment of not less than thirty years or life imprisonment.

**Article 79/b**  
**Murder of the state police officers**

Intentional homicide of state police officers during duty or because of duty, when the capacities of the victim are evident or known, shall be punishable by imprisonment for not less than thirty years or life imprisonment.

**Article 79/c**  
**Homicide because of family relations**

The intentional homicide of the person who is the spouse, former spouse, cohabitant, or former cohabitant, close kin or close kin of the spouse of the offender, shall be punishable by not less than twenty years of imprisonment or with life imprisonment.

**Article 80**  
**[No title in original]**

Providing the [necessary] conditions and material means for committing the murder shall be punishable by an imprisonment term of up to five years.

**Article 81**  
**Infanticide**

The infanticide voluntarily committed by a mother right after birth shall be replaced by “shall be punished with imprisonment of up to five years

**Article 82**  
**Homicide committed in a state of profound psychiatric distress**

Homicide committed intentionally in a sudden state of profound psychiatric distress caused by violence or serious insult by the victim is sentenced up to eight years of imprisonment.

**Article 83**  
**Homicide committed through transcending the use of excessive force for self-defence**

Homicide committed through the use of excessive force for self-defence is sentenced up to seven years of imprisonment.

**Article 83/a**  
**[No title in original]**

Serious intimidation for revenge or blood feud, against a person in order to have him immobilized within the house is punishable by imprisonment up to three years.

**Article 83/b**

**Incitement for blood feud**

Inciting other persons for revenge or blood feud, when it does not constitute other criminal act, is punishable by imprisonment up to three years.

**Article 84**

**Threat**

Serious threat to cause death or grave personal harm to someone constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

**Article 84/a**

**Threat due to racist and xenophobic motives through the computer system**

Serious threat to cause death or serious injury to someone, through computer systems, because of their ethnicity, nationality, race or religion is punishable with fine or up to three years of imprisonment.

**SECTION II**

**CRIMES AGAINST THE PERSON COMMITTED BY NEGLIGENCE**

**Article 85**

**Manslaughter**

Homicide because of negligence is punishable by a fine or up to five years of imprisonment.

**SECTION III**

**CRIMINAL ACTS INTENTIONALLY COMMITTED AGAINST HEALTH**

**Article 86**

**Torture**

Intentional committal of actions, as a result of which a person was subjected to severe physical or mental suffering, by a person who exercises a public function or incited or approved by him, openly or in silence, with the purpose:

- a) of obtaining from him or from another person information or confessions;
- b) of punishing him for an action committed or suspected to have been committed by him or another person;
- c) of intimidating or pressuring him or another person;
- ç) of any other purpose based in any form of discrimination;
- d) of any other inhuman or degrading action; is punishable by imprisonment from four up to ten years.

**Article 87**

**Torture resulting into serious consequences**

Torture, like any other degrading or inhuman treatment, when it has inflicted handicap, mutilation or any permanent harm to the well-being of a person, or death, is punishable by ten to twenty years of imprisonment.

### **Article 88**

#### **Serious intentional injury**

Serious intentional injury inflicting handicap, mutilation or any other permanent detriment to the health, or inflicting interruption of pregnancy, or which has been dangerous to the life at the moment of its inducement, is punishable by three to ten years of imprisonment.

The same offence, when committed against several persons, against the person who is the spouse, former spouse, cohabitant, or former cohabitant, close kin or close kin of the spouse of the offender, or when it results in death, shall be punishable by five to fifteen years of imprisonment..

### **Article 88/a**

#### **Serious wounding under the conditions of strong psychic distress**

Serious wounding, committed under the conditions of momentary strong psychic distress, caused by the victim's violence or serious insult, is punishable by imprisonment up to five years.

### **Article 88/b**

#### **Serious wounding by transcending the limits of necessary defence**

Serious wounding, transcending the limits of necessary defence, is punishable by imprisonment up to three years.

### **Article 89**

#### **Non-serious intentional injury**

Intentional injury, inflicting temporary work incapacity of no longer than nine days, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

### **Article 89/a**

The trade of human organs, as well as every action that relates to illegal removal or implantation of the organs is sentenced with imprisonment from three up to ten years. These very acts, when committed for profit reasons, are punishable by imprisonment from ten up to twenty years.

### **Article 90**

#### **Other intentional harm**

Beating, as well as any other violent act constitutes criminal contravention and is punishable by a fine.

The same act, when causing temporary work incapacity of up to nine days, constitutes criminal contravention and it is punishable by a fine or up to six months of imprisonment.

## **SECTION IV CRIMINAL ACTS AGAINST HEALTH DUE TO NEGLIGENCE**

### **Article 91 Serious injury due to negligence**

Serious injury due to negligence constitutes criminal contravention and is punishable by a fine or to up to one year of imprisonment.

### **Article 92 Non-serious injury due to negligence**

Non-serious injury due to negligence constitutes criminal contravention and is punishable by a fine.

## **SECTION V CRIMINAL ACTS ENDANGERING THE LIFE AND HEALTH BECAUSE OF INTERRUPTION OF PREGNANCY OR REFRAINING FROM PROVIDING HELP**

### **Article 93 Interruption of pregnancy without the woman's consent**

Interruption of pregnancy without the woman's consent, except those cases when interruption is imposed because of a justified health-related cause, is punishable by a fine or up to five years of imprisonment.

### **Article 94 Interruption of pregnancy conducted in unauthorized places by unlicensed persons**

Interruption of pregnancy which is not conducted in public hospitals or specifically licensed private clinics, or by a person who is not doctor, or after the time allowed for the interruption except in the case when this is imposed because of a justified health-related cause, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment. If the act has caused [serious] danger to the life or resulted to death, it is punishable by a fine or to up to five years of imprisonment.

### **Article 95 Providing the utensils for interruption of pregnancy**

Providing the utensils which serve for interruption of pregnancy of a woman in order to have either her or somebody else interrupt the pregnancy, constitutes criminal contravention and is punishable by a fine or to up to one year of imprisonment.

### **Article 96 Incorrect medication**

Incorrect medication of patients from the doctor or other medical staff, as well as non-implementation of the therapy or the orders of the doctor from the medical staff or

pharmacist, when it has caused serious harm to the health, has endangered the life of the person or has caused his death, is punishable by a fine or up to five years of imprisonment. This very act, when it has caused the patients' infection by HIV/AIDS, is punishable by imprisonment from three to seven years.

**Article 97**  
**Refraining from providing help**

Refraining from providing help without reasonable cause by the person who either legally or because of his capacity was obliged to provide, is considered criminal contravention and is punishable by a fine or to up to two years of imprisonment when, as its consequence, serious harm to the health, endangerment to life or death resulted.

**Article 98**  
**Refraining from providing help by the captain of a ship**

Refraining from providing help by the captain of a ship to the people who are drowning in the sea or in other waters, when this help could have been provided without causing serious danger to the ship, crew and passengers, is punishable by a fine or up to four years of imprisonment.

**Article 99**  
**Causing suicide**

Causing suicide or a suicide attempt by a person because of the systematic maltreatment or other systematic misbehaviors which seriously affect the dignity [of the person], committed by another person in dependence or by a person with whom he has family relations or relations of cohabitation is punishable by imprisonment of from three to seven years..

**SECTION VI**  
**SEXUAL CRIMES**

**Article 100**  
**Sexual or homosexual relations/intercourse with minors/children**

Having sexual or homosexual relations with children that are less than 14 years old, or with a female child, who is not sexually matured, is punished by imprisonment from seven to fifteen years.

When the sexual or homosexual intercourse was committed with accomplices, more than once or by violence, or when the child victim had serious health consequences; this is punished by not less than twenty five years .

When that act brought as a consequence the minor's death or suicide, this is punished by imprisonment of not less than thirty years or life imprisonment.

**Article 101**  
**Sexual or homosexual intercourse by violence with a minor who is fourteen-eighteen years old**

Having sexual or homosexual relations by violence with children that are fourteen to eighteen years old, or with a female child, who is sexually matured, is punished by imprisonment from five to fifteen years.

When the sexual or homosexual intercourse by violence was done with accomplices, more than once, or when the child victim had serious health consequences; this is punishable by imprisonment from ten to twenty years.

When that act brought as a consequence the minor's death or suicide, this is sentenced by imprisonment not less than twenty years.

## **Article 102**

### **Non-consensual sexual intercourse with mature/adult women**

Sexual intercourse by violence with adult females or between spouses or cohabitants, without the consent of one of them, shall be punishable by three to ten years imprisonment. .

When the sexual intercourse by violence is done with accomplices, more than once, or when the victim had serious health consequences; this is punishable by imprisonment from five to fifteen years.

When the act has caused the death or suicide of the aggrieved person, it is punished with imprisonment for a term of from ten to twenty years.

## **Article 102/a**

### **Homosexual intercourse by violence with adults**

Having homosexual relations by violence with adults is punished by imprisonment from three to seven years. When the homosexual intercourse by violence is done with accomplices, or more than once, or when the victim had serious health consequences; this is punishable by imprisonment from five to ten years.

When that act resulted in the death or suicide of the damaged one, this is punished by imprisonment from ten to twenty years.

## **Article 103**

### **Sexual or homosexual intercourse with persons who are unable to defend themselves**

Having sexual or homosexual intercourse, by taking advantage of physical or mental inability of the person, or, from placing the person under unconscious condition, is punished by imprisonment from five to ten years.

When the sexual or homosexual intercourse is done with accomplices, or more than once, or when the victim had serious health consequences; this is sentenced by imprisonment from seven to fifteen years.

When that act resulted in the person's death or suicide, this is punishable by imprisonment from ten to twenty years

## **Article 104**

### **Sexual or homosexual intercourse by intimidation of using a weapon**

Sexual or homosexual intercourse by intimidating the person with the immediate/instant use of a weapon is punishable by imprisonment from five to fifteen years.

## **Article 105**

### **Sexual or homosexual relations by abuse of power job/position misappropriation**

Sexual or homosexual relations by misappropriating the relations of dependence and job position, is punishable by imprisonment up to three years.

#### **Article 106**

##### **Sexual or homosexual intercourse with persons that are related (of the same blood) or persons under custody**

Having sexual or homosexual intercourse between parents and children, brother and sister, between brothers, sisters, between persons that are related in a straight line or with persons that are under custody or adoption, is sentenced by imprisonment up to seven years

#### **Article 107**

##### **Sexual or homosexual intercourse in public places**

Sexual or homosexual intercourse in public places or in places exposed to the sight of people constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### **Article 107/a**

##### **Sexual violence**

Exercising sexual violence by performing actions of a sexual nature on the body of another person with objects shall constitute a criminal offence and is punishable by three to seven years imprisonment.

When this offence is committed with accomplices, against several persons, more than once or against children fourteen to eighteen years old, it is punishable by imprisonment from five to fifteen years.

When this offence is committed with a child under fourteen years of age or a child who is not sexually matured, regardless of whether it is committed by violence or not, it shall be punishable with no less than twenty years imprisonment.

When this action has brought as a consequence death or suicide of the victim [injured person], it shall be punishable by not less than twenty five years imprisonment.

#### **Article 108**

##### **Serious immoral acts**

Serious immoral acts conducted with minors under the age of fourteen are punishable from three up to seven years of imprisonment.

The same offence, when committed against a minor younger than fourteen years old, withwhom the offender has family relations, shall be punishable by five to ten years of imprisonment.

Intentional involvement as a witness, in actions of a sexual nature, of a minor younger than fourteen years old or a minor who is not sexually mature yet, shall constitute a criminal offence and is punishable with one to five years imprisonment.

The proposal from an adult, by any means or form, to meet with a minor younger than fourteen years old or a minor who is not sexually mature yet, aiming to commit any of the criminal offences provided for in this Section or in Section VIII, Chapter II of this Code, shall constitute a criminal offence and is punishable with one to five years of imprisonment.

**Article 108/a**  
**Sexual harassment**

Actions of a sexual nature which violate the dignity of a person, by any means or form, through creating a threatening, hostile, degrading, humiliating or offensive environment, shall constitute a criminal offence and is punishable with one to five years imprisonment. When this offence is committed in collaboration, against several persons, more than once, or against children, it shall be punishable by three to seven years imprisonment.

**SECTION VII**  
**CRIMINAL ACTS AGAINST PERSON'S FREEDOM**

**Article 109**  
**Kidnapping or holding a person hostage**

Kidnapping or holding a person hostage in order to gain wealth or any other benefit, preparation/facilitation of conditions for committing a crime, helping in hiding or departure of perpetrators or collaborators of a crime, avoiding the punishment, blackmailing, for political or other reasons, is punishable/sentenced by imprisonment from ten to twenty years. This very act, committed against a minor under fourteen years old, is punished by imprisonment of not less than fifteen years.

Kidnapping or keeping hostage a person or a minor under fourteen years old, leading or accompanied with physical or psychic tortures, when it is committed against some persons or more than once, is punishable/sentenced by imprisonment not less than twenty years, and when it resulted in death, by life in prison.

**Article 109/a**  
**Kidnapping or keeping hostage a person in lenitive/alleviating circumstances**

When the kidnapped or hostage person is voluntarily released, less than seven days from the day he was kidnapped or kept hostage, without fulfilling the crime's purpose and, when against the person is not wielded any torture or there are no health damages, is sentenced by imprisonment from three to five years.

**Article 109/b**  
**Forcing through blackmail or violence to give out the wealth (Extortion)**

Forcing through blackmail or violence in order to perform or to fail to perform a certain action, in order to unjustly gain wealth or any other benefit, for themselves or for third persons, is sentenced with imprisonment from two to eight years.

The same crime, when committed by using or by threatening to use the gun, the torture, inhuman and humiliating acts which have caused damages of the health, are sentenced with prison from seven to fifteen years.

When the crime has brought as a consequence the death of the person, it is sentenced with life imprisonment.

**Article 109/c**  
**Forced disappearance**

Forced disappearance through arrest, detention, abduction or any other form of deprivation of liberty of the person by public officials or persons acting upon their authorisation, support or approval, followed by the non-acceptance of the deprivation of liberty or by concealment of the fate or whereabouts of the person, by denying the assistance and necessary protection in compliance with the law, shall constitute criminal offence and it shall be punishable by imprisonment from seven to fifteen years.

The superior who:

- i) is aware that the dependents under his authority and effective control are or are about to commit forced disappearance, or who does not take into account data and information which clearly point to this fact;
- ii) exercises his effective responsibility and control over the activities to which forced disappearance is linked; or
- iii) does not take all the necessary and reasonable measures under his/her competence to prevent or punish the person who issues the authorisation, support, and approval of forced disappearance or to send the case to the competent bodies of criminal prosecution; shall be punished by three to seven years of imprisonment.

When such offence is committed against children, pregnant women, or persons who because of different reasons cannot protect themselves, or when such offence causes serious physical suffering, it is committed in collaboration, against several persons or more than once, it shall be punishable by imprisonment from ten to twenty years.

When such offence causes the death of a person it shall be punishable by imprisonment of not less than thirty years or life imprisonment.

Illegal taking of children who are subjects of forced disappearance or of children whose father, mother or legal representative is the subject of forced disappearance, or of children born during the period of forced disappearance, shall constitute criminal offence and shall be punishable by five to ten years of imprisonment.

## **Article 110**

### **Unlawful detention**

Unlawful detention of a person constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When this act is accompanied by severe physical suffering, committed with accomplices against some persons or more than once, is punished by imprisonment from three to seven years.

## **Article 110/a**

### **Trafficking of adult persons**

The recruitment, transport, transfer, hiding or reception of persons through threat or the use of force or other forms of compulsion, kidnapping, fraud, abuse of office or taking advantage of social, physical or psychological condition or the giving or receipt of payments or benefits in order to get the consent of a person who controls another person, with the purpose of exploitation of prostitution of others or other forms of sexual exploitation, forced services or work, slavery or forms similar to slavery, putting to use or transplanting organs, as well as

other forms of exploitation, within and beyond the territory of the Republic of Albania, shall be punishable by imprisonment from eight to fifteen years. .

If such offence is committed against an adult female, it shall be punishable by ten to fifteen years of imprisonment.

The organization, management and financing of the trafficking of persons is punished with imprisonment of from seven to fifteen years and with a fine of from four million to six million Lek.

When such offence is committed in collaboration, more than once, accompanied by maltreatment and making the victim to commit various actions through the use of physical or psychological violence, causing serious consequences to health or threatening his life, is punishable by imprisonment of no less than fifteen years.

When the crime has brought about the death of the victim as a consequence, it is punished with imprisonment of no less than twenty years or with life imprisonment, as well as with a fine of from seven million to ten million Lek.

When the criminal crime is committed through the utilization of a state function or public service, the punishment of imprisonment and the fines are increased by one fourth of the punishment given.

#### **Article 110/b**

##### **Benefiting from or using services provided by trafficked persons**

Benefiting from or using services provided by trafficked persons, or services which are the object of exploitation of trafficking, being aware that the person is trafficked, shall be punishable by two to five years of imprisonment.

When this offence is committed against a minor, it shall be punishable by three to seven years of imprisonment.

#### **Article 110/c**

##### **Actions facilitating trafficking**

Forgery, possession, or provision of identity cards, passports, visas or other travel documents, or their retaining, removal, hiding, damaging or destruction in order to enable trafficking of persons over 18 years of age shall constitute criminal offence and shall be punishable by two to five years of imprisonment.

The same offence, when committed in collaboration, more than once, or is committed by the person who has the task to issue the ID card, passport, visa, or the travel document, or has enabled trafficking of children, shall be punishable by four to eight years of imprisonment.

The same offence, if it results in serious consequences, shall be punishable by not less than five years of imprisonment.

#### **Article 111**

##### **Hijacking planes, ships and other means**

Hijacking planes, ships and other means of transportation that carry people through violence or by threatening with arms or other means is punishable by ten to twenty years of imprisonment.

## **Article 112**

### **Breaking and entering into someone's house**

Breaking and entering into someone's house without his consent constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

Committing the act forcefully or by threat of gunpoint constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

## **SECTION VIII**

### **CRIMINAL ACTS AGAINST MORALITY AND DIGNITY**

## **Article 113**

### **Prostitution**

Prostitution is punishable by a fine or up to three years of imprisonment.

Giving remuneration for personal benefit of prostitution is sentenced by fines or up to three years imprisonment.

## **Article 114**

### **Exploitation of prostitution**

Encouragement, mediation, or receipt of compensation for exercising prostitution shall be punishable by two to five years of imprisonment.

When the same offence is committed with minors, with some persons, with persons who are close kin, close kin of the spouse, who have custodial relationships or availing themselves of their official relationship, or when committed in collaboration or more than once, or by state and public officials, shall be punishable by seven to fifteen years imprisonment.

## **Article 114/a<sup>4</sup>**

### **Exploitation of prostitution with aggravated circumstances**

When exploitation of prostitution is committed:

1. with minors;
2. against some persons;
3. with persons within close consanguinity, in-laws or custodial relations or by taking advantage of an official rapport;
4. with deception, coercion, violence or by taking advantage of the physical or mental incapability of the person;
5. against a person that has been forced or coerced to exercise prostitution out of the territory of the Republic of Albania;
6. It is committed with accomplices or more than once or by persons who have state and public functions/duties; is punished from seven up to fifteen years of imprisonment.

## **Article 114/b<sup>5</sup>**

### **Trafficking of Women**

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4 Abrogated by law 144/2013

5 Abrogated by law 144/2013

The recruitment, transport, transfer, hiding or reception of women through threat or use of force or other forms of coercion, kidnapping, fraud, abuse of office or taking advantage of social, physical or psychological condition or the giving or receipt of payments or benefits, in order to get the consent of a person who controls another person, with the purpose of exploitation of prostitution of others or other forms of sexual exploitation, forced services or work, slavery or forms similar to slavery, putting to use or transplanting organs, as well as other forms of exploitation, are punished with imprisonment of from seven to fifteen years and with a fine of from three to six million Lek.

The organization, management and financing of the trafficking of woman is punished with imprisonment of from ten to fifteen years and with a fine of from five to seven million Lek. When this crime is committed in collaboration or more than once, or is accompanied by mistreatment and making the victim commit various actions through the use of physical or psychological force, or brings serious consequences to health, it is punished with imprisonment of no less than fifteen years and with a fine of from six to eight million Lek. When the crime has brought about the death of the victim as a consequence, it is punished with imprisonment of no less than twenty years or with life imprisonment, as well as with a fine of from seven to ten million Lek.

When the criminal crime is committed through the utilization of a state function or public service, the punishment of imprisonment and the fines are increased by one fourth of the punishment given.

#### **Article 115**

##### **Use of premises for prostitution**

Managing, utilizing, financing, renting the premises for purposes of prostitution, is punishable by a fine or up to ten years of imprisonment.

#### **Article 116**

##### **Homosexuality**

**(Repealed by law no. 8733 dated 24.01.2001)**

#### **Article 117**

##### **Pornography**

The production, distribution, advertisement, export, import, sale, and publication of pornographic materials in environments with children, by any means or form, shall constitute criminal contravention and shall be punishable by imprisonment up to two years.

The production, import, offering, making available, distribution, transmission, use, or possession of child pornography, as well as the conscious creation of access in it, by any means or form, shall be punishable by three to ten years of imprisonment.

The exploitation, recruiting, constriction, or the persuasion of a child to participate in pornographic shows, as well as the participation in such shows which involve the participation of children, shall be punishable by five to ten years of imprisonment.

#### **Article 118**

##### **Desecration of graves**

Desecration of cemeteries, graves, exhumations, as well as theft of items found there in, as well as every other act of disrespect towards the dead, is punishable by a fine or up to five years of imprisonment.

## **Article 119**

### **Insult**

Deliberate insult of the person constitutes a penal misdemeanour and is sentenced by fines from fifty thousand ALL up to one million ALL.

The same offense, when is committed publicly, injuring several persons and more than once, constitutes a penal misdemeanour and is sentenced by fines from fifty thousand ALL up to three millions ALL.

## **Article 119/a**

### **Dissemination of racist or xenophobic materials through the computer system**

Offering in public or deliberately disseminating to the public through computer systems materials with racist or xenophobic content constitutes a criminal contravention and is punishable by a fine or imprisonment up to two years.

## **Article 119/b**

### **Insulting due to racist or xenophobic motives through the computer system**

Intentionally insulting a person in public, through a computer system, because of ethnicity, nationality, race or religion constitutes a criminal contravention and is punishable by fine or imprisonment up to two years.

## **Article 120**

### **Defamation**

Intentional dissemination of talks, and any other information knowing that they are false that injure the honour and dignity of the person, constitutes penal misdemeanour and is sentenced by fines from fifty thousand ALL up to one million and five hundred thousand ALL. The same offense, when is committed publicly, injuring several persons and more than once, constitutes a penal misdemeanour and is sentenced by fines from fifty thousand ALL up to three millions ALL.

## **Article 121**

### **Intruding into someone's privacy**

Installing appliances which serve for hearing or recording words or images, the hearing, recording or airing words, fixing, taping or transmitting images, as well as their preserving for publication or the publication of the data which exposes an aspect of the private life of the person without his consent, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## **Article 121/a**

### **Victimization**

Threatening or provoking the person by repeated actions, aiming to cause him a hard and continuous state of anguish and fear for personal security, for the security of relatives or of a person with whom has spiritual relations, or to force him to change his mode of life, is sentenced by imprisonment from six months up to four years. When this offense is committed by the former husband, by the former cohabitant or by the person that has had spiritual relation with the convicted defendant, the punishment is increased with one third of the given sentence.

When this offense is committed against minors, pregnant women or against a person unable to be defended, and also when it is carried out by a masked person or is accompanied with the bearing or use of arms, the sentence is increased up to one second of the given punishment.

#### **Article 122** **Spreading personal secrets**

Spreading a secret that belongs to someone's private life, by the person who obtains that [secret] because of his duty or profession, when he is compelled not to spread it without prior authorization, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

The same act committed with the intent of embezzlement or of damaging another person, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### **Article 123** **Halting or violation of the privacy of correspondence**

The carrying out intentionally of acts such as destruction, non-delivery, opening and reading letters or any other correspondence, as well as the interruption, placement under control or tapping of telephones, telegraph, or any other means of communication, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment

### **SECTION IX** **CRIMINAL ACTS AGAINST CHILDREN, MARRIAGE AND FAMILY**

#### **Article 124** **Abandonment of minor children**

Abandonment of a child under the age of sixteen by a parent or by a person compelled to guard over him, is punishable by a fine or up to three years of imprisonment.

When serious harm to the health or death of the child has resulted, it is punishable by three up to ten years of imprisonment.

#### **Article 124/a** **Asking or reception of remuneration for adoption procedures**

Asking, proposal, giving or acceptance of remunerations and other benefits, to commit or not to commit an action, related to the adoption process of an minor, are punished with imprisonment up to seven years.

#### **Article 124/b** **Maltreatment of minors**

Physical or psychological maltreatment of minors by their parents, sister, brother, grandfather, grandmother, legal guardian or by any other person who is obliged to look after him, is sentenced by imprisonment from three months up to two years. Coercing, exploitation, encouragement, or use of a minor to work, to obtain income, to beg, or to perform actions that damage his/her mental and/or physical development, or education, shall be punishable by two to five years of imprisonment.

**Article 125**  
**Denial of support**

Denial of necessary support for the living of children, parents or spouse, from the person who is obliged, through a court order, to provide the support, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

**Article 126**  
**Failing to inform on the changing of domicile**

Failure to inform within one month on the changing of domicile to the interested party or to the law-enforcement agency, by the person who, according to the court order, is compelled to provide the necessary living support means to children, parents or his/her spouse, or by the person who is taking care of children after divorce, constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

**Article 127**  
**Unlawfully taking the child**

Unlawfully taking the child by taking him/her away from the person exercising parental authority or entrusted to raise and educate him, as well as not giving the child to the other parent in breach of the court order, constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

**Article 128**  
**Replacement of children**

Replacement (change) of children negligently committed by the staff at the place where they are raised, cured, or at the maternity hospital, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

**Article 128/a**  
**Deliberately hiding or swapping a child**

Deliberately hiding or swapping a child with another one, committed by the medical personnel, is punishable by imprisonment from three to eight years.

**Article 128/b**  
**Trafficking of Minors**

The recruitment, sale, transport, transfer, hiding or reception of minors with the purpose of exploitation for prostitution or other forms of sexual exploitation, forced services or work,

slavery or forms similar to slavery, putting to use or transplanting organs, as well as other forms of exploitation, shall be punishable by ten to twenty years of imprisonment. .

The organization, management and financing of the trafficking of minors is punished with imprisonment of from ten to twenty years.

When this crime is committed in collaboration or more than once, or is accompanied by maltreatment and making (coercing) the victim to commit various actions through physical or psychological force, or brings serious consequences to health, it is punished with imprisonment of no less than fifteen years and with a fine of from six to eight million Lek. When the crime has brought about the death of the victim as a consequence it is punished with imprisonment of no less than twenty years or with life imprisonment, as well as with a fine of from eight to ten million Lek.

When the criminal crime is committed through the utilization of a state function or public service, the punishment of imprisonment and the fines are increased by one fourth of the punishment given.

### **Article 129**

#### **Inducing minors to criminality**

Inducing or encouraging minors under the age of fourteen to criminality is sentenced up to five years of imprisonment.

### **Article 130**

#### **Coercing or prohibition to cohabit or to enter into or dissolve a marriage**

Coercing or prohibition to start or continue cohabitation, or coercion to enter into or dissolve the marriage, shall constitute a criminal contravention and is punishable with a fine or imprisonment up to three months.

Intentional request to an adult or child to leave the territory of the Republic of Albania for purposes of obliging him to enter into a marriage, shall constitute a criminal contravention and is punishable with a fine or imprisonment up to three months.

### **Article 130/a**

#### **Domestic Violence**

Beating and any other act of violence against the person who is spouse, former-spouse, or former cohabitant, next to kin or relatives by marriage with the author of the penal offense, with the consequence of attacking his physical, psycho-social and economical integrity, is sentenced up to two years imprisonment. Serious threat for murder or hard injury against the person who is spouse, former spouse, cohabitant or former cohabitant, next to kin or relatives by marriage with the author of the penal offense, of the consequence of attacking his psychical integrity, is sentenced up to three years imprisonment.

The same offences which are committed repeatedly or in the presence of children, shall be punishable by one to five years of imprisonment.

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## **SECTION X**

### **CRIMINAL ACTS AGAINST FREEDOM OF RELIGION**

#### **Article 131**

##### **Obstructing the activities of religious organizations**

Ban on the activity of religious organizations, or creating obstacles for the free exercise of their activities, is punishable by a fine or to up to three years of imprisonment.

**Article 132**

**Destructing or damaging places of worship**

Voluntarily destructing or damaging places of worship, when it has inflicted the partial or total loss of their values, is punishable by a fine or up to three years of imprisonment.

**Article 133**

**Obstructing religious ceremonies**

Ban or creating obstacles for participating in religious ceremonies, as well as for freely expressing religious beliefs, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

**CHAPTER III**

**CRIMINAL ACTS RELATED TO PROPERTY OR IN THE ECONOMIC AREA**

**SECTION I**

**THEFT OF PROPERTY**

**Article 134**

**Theft**

Property theft is punished by fines or up to three years imprisonment.

The same crime, when committed in collaboration or more than once, is punished with an imprisonment term of six months to five years.

The same crime, when it has brought about serious consequences, is punished with imprisonment of four to ten years.

**Article 135**

**Theft through abuse of office**

Theft of property, committed by the person whose duty is to protect and administer it, or through abuse of office, is sentenced up to ten years of imprisonment.

**Article 136**

**Bank robbery and savings bank registries robbery**

Bank robbery and savings bank robbery is punishable by five up to fifteen years of imprisonment.

This very act, when committed by accomplices, or more than once, or when it brought about serious consequences, is sentenced by imprisonment from ten to twenty years.

**Article 137**

**Stealing electrical power or telephone impulses**

Illegal connection to the electrical grid constitutes a penal contravention and is sentenced by a fine or imprisonment up to two years.

Stealing electrical power or telephone lines impulses is punishable by up to three years of imprisonment.

#### **Article 137/a**

##### **Theft [unauthorised use]<sup>6</sup> of electronic communications network**

Theft of the electronic communications network shall be punishable by up to three years of imprisonment.

The same offence, when committed in collaboration, more than once, or when it results in serious consequences, shall be punishable by three to seven years of imprisonment

#### **Article 138**

##### **Stealing works of art or culture**

Stealing works of art or culture is punishable by a fine or up to five years of imprisonment.

Stealing works of art or culture that have national importance is punishable by five to ten years of imprisonment.

#### **Article 138/a**

##### **Trafficking of art and culture works**

The illegal import, export, transit, and trade of art and culture works, in order to have material or any other benefits, is sentenced by imprisonment from three to ten years.

This very act, when committed with accomplices, or more than once, or when it brings about serious consequences, is sentenced by imprisonment from five to fifteen years.

#### **Article 139**

##### **Robbery**

Stealing property through the use of force is punishable by five to fifteen years of imprisonment.

#### **Article 140**

##### **Armed Robbery**

Wealth stealing, accompanied by bearing military weapons or ammunitions, or by their use, is punished by imprisonment from ten to twenty years.

#### **Article 141**

##### **Theft resulting in death**

Theft of property, when accompanied with such actions as resulting in the death of the person, is punishable by fifteen to twenty years of imprisonment or to life imprisonment.

#### **Article 141/a**

##### **Trafficking of vehicles**

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<sup>6</sup> Translator's note

The illegal import, export, transit, and trade of stolen motor vehicles, in order to have material or other benefits, is punishable by imprisonment from three to seven years. This very act, when committed with accomplices, or more than once, or when it brings about serious consequences, is punishable by imprisonment from five to fifteen years.

**Article 142**  
**Providing equipment for theft**

Providing the conditions and material equipment for theft is punishable by a fine or up to three years of imprisonment.

**SECTION II**  
**FRAUD**

**Article 143**  
**Deception/Fraud**

Stealing property through lies or abuse of trust is punishable by a fine or up to five years of imprisonment.

This very act, when committed with accomplices and harming some persons, or more than once, is punished by imprisonment from three to ten years and, when it brings about serious consequences, is sentenced by imprisonment from ten to twenty years.

**Article 143/a**  
**Fraudulent and pyramid schemes**

Organizing and putting in function fraudulent and pyramid schemes by borrowing money, in order to have material benefits, is punished by imprisonment from three to ten years.

This very act, when it brings about serious consequences, is sentenced by imprisonment from ten to twenty years.

**Article 143/a/1**  
**Market manipulation**

Inaccurate presentation, on purpose, of the value of goods, services or money, aiming to mislead the free and fair function of the market, is sentenced by fine or up to four years imprisonment.

**Article 143/a/2**  
**Unauthorized use and dissemination of preferential information**

The person, who, in authorized or unauthorized manner, is informed of preferential information, for which the public is not aware of, and which he can use for his own material benefits, for a third party or for the damage of the latter, through one of the following ways:

- a) buying or selling marketable titles in the territory of the Republic of Albania, or marketed by an emissary with the seat in the Republic of Albania;
- b) knowing the preferential nature of information, transmits it, without authorization, to a third party;

c) knowing the preferential nature of information, advises a third party to buy or sell marketable titles in the territory of the Republic of Albania or marketed by an emitting-agency with the seat in the Republic of Albania, is sentenced by imprisonment from six months up to three year. When this offense is committed in cooperation, more than once, or has caused severe consequences, is sentenced up to five years imprisonment.

#### **Article 143/a/3**

##### **Manipulation of prices and dissemination of false information**

Action or inaction of the person who:

- a) signs a fictive contract for selling or replacing titles;
- b) makes requests for purchasing or selling titles, for which the requests are made with the same price, or whether he uses such titles as counter-requests;
- c) disseminates false information or other facts for increase or fall of prices of titles, or for creating their active fictive marketing for the purpose of his own benefits, or for a third party, or for the damage of the latter, is sentenced by imprisonment from six months up to three years. When this offense is committed in cooperation, more than once, or has caused severe consequences, is sentenced by imprisonment from two to five years.

#### **Article 143/a/4**

##### **Presentation of false data and their unauthorized dissemination**

The person, who as a member of the management or of the supervising committee of a emitting-agency, allows or facilitates distribution of a prospect, different from that determined by law, or allows and facilitates presentation of false information or false representation of facts of material value in a prospect, is sentenced by imprisonment from six months up to three years. When this offense is committed in cooperation, more than once, or has caused severe consequences, is sentenced up to five years imprisonment.

#### **Article 143/a/5**

##### **Unauthorised registration of titles in stock-exchange**

The person, who, as a member of the management of the stock-exchange, allows registration in quotation one, the quotation of anonym public company or in other quotation of titles, which do not meet the legal conditions of titles, is sentenced by imprisonment from six months up to three years. When this offense is committed in cooperation, more than once, or has caused severe consequences, is sentenced from two to five years imprisonment.

#### **Article 143/a/6**

##### **Concealment of properties**

The person, who on purpose do not provide information on properties to the Authority of Financial Supervision, for titles according to law, is sentenced by fine or up to one year imprisonment. When this offense is committed in cooperation, more than once, or has caused severe consequences, is sentenced from two to five years imprisonment.

#### **Article 143/a/7**

##### **Illegal marketing of titles**

The person dealing with unauthorized intermediation for purchasing or selling titles, is sentenced by fine or up to one year imprisonment.

When this offense is committed in cooperation, more than once, or has caused severe consequences, is sentenced from two to five years imprisonment.

#### **Article 143/b Computer fraud**

Entering, modifying, deleting or omitting computer data or interfering in the operation of a computer system, in order to ensure for oneself or for their parties, through fraud, an unfair economic benefit or to cause to a third party asset reduction, are punishable by imprisonment from six months up to six years.

This very act, when committed with accomplices, or more than once, or when it brought about serious material consequences, is punished by imprisonment from five to fifteen years.

#### **Article 144 Fraud on subsidies**

Fraud on documents presented, thus fraudulently obtaining subsidies from the state, is punishable by a fine or up to four years of imprisonment.

#### **Article 144/a Creation of fraudulent schemes regarding value added tax**

The organisation and implementation of fraudulent schemes, with the purpose of material benefit for one's self or for others, by not paying, or benefiting credit or reimbursement of the value added tax, shall be punishable by three to ten years of imprisonment.

#### **Article 145 Fraud on insurance**

Presenting false circumstances [or false information] related to the object to be insured, or fabricating false circumstances and presenting them into documents thus fraudulently obtaining insurance, is punishable by a fine or up to five years of imprisonment.

#### **Article 146 Fraud on credit (loans)**

Fraud on presented documents, thus fraudulently obtaining credit through fictitious registration in property registration offices of objects which do not exist, or [which are] over estimated, or which belong to somebody else's property, committed with the intent of not paying back the credit, is punishable by a fine or up to seven years of imprisonment.

#### **Article 147 Fraud on works of art and culture**

Steal of property through fraud by presenting a work of art or culture as being original or by an author other than the real one, is punishable by a fine or up to four years of imprisonment.

#### **Article 148 Publication of another person's work with own name**

Publication or the partial or total use with his own name, of a work of literature, music, art or science which belongs to another, constitutes criminal contravention and is punishable by a fine or up to two year of imprisonment.

#### **Article 149**

##### **Unlawful reproduction of someone's work**

Total or partial reproduction of a work of literature, music, art or science which belongs to another, or if their use is conducted without the author's consent, when his personal and property rights are violated, constitutes criminal contravention and is punishable by a fine or by imprisonment up to two years.

#### **Article 149/a**

##### **Violation of the rights to industrial properties**

Production, distribution, preservation for marketing purposes, sale, offer for sale, supply, delivery, exportation or importation for such purpose of:

- a) the product or the process protected under a patent, without the consent of the patent owner;
- b) the product protected under an industrial design, without the consent of the industrial design owner;
- c) goods or services protected under a trade mark, without the consent of the trade mark owner;
- ç) the product derived from a geographic indicator, without the consent of the geographic indicator's owner, carried out deliberately, constitute penal misdemeanour and is sentenced by fine or up to one year imprisonment. When this offense is committed in cooperation, more than once, is considered a penal misdemeanour and is sentenced by fine or up to one year imprisonment.

#### **Article 149/b**

##### **Violation of the rights to topography of semiconductor circuit**

Production, utilization, maintenance for marketing purposes, sale, offering for sale, supply, delivery, exportation or importation for such purpose of the product that violates the rights to registered topography of the circuit, of semiconductors, or of integrated circuit, without the consent of the owner of the topography, performed deliberately, constitute penal misdemeanour and are sentenced by fine or up to one year imprisonment.

When this offense is committed in cooperation, more than once, constitutes penal misdemeanour and is sentenced by fine or up to two years imprisonment.

### **SECTION III**

#### **DESTROYING PROPERTY**

#### **Article 150**

##### **Destroying property**

Intentionally destroying or damaging the property, when material consequences are serious, is punishable by a fine or up to three years of imprisonment.

**Article 151**  
**Destroying property by fire**

Intentionally destroying or damaging property by fire is punishable by a fine or up to five years of imprisonment.

When the criminal act has led to serious material consequences, it is sentenced up to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by five to fifteen years of imprisonment.

**Article 152**  
**Destroying property by explosives**

Intentionally destroying or damaging property by explosives is punishable by a fine or up to five years of imprisonment.

When the criminal act has led to serious material consequences, it is punishable by five to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by ten to twenty years of imprisonment.

**Article 153**  
**Destroying property by flooding**

Intentionally destroying or damaging property by flooding is punishable by a fine or up to five years of imprisonment.

When the criminal act has led to serious material consequences, it is punishable by five to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by five to fifteen years of imprisonment.

**Article 154**  
**Destroying property with other means**

Intentionally destroying or damaging property with other means, which constitute danger to the environment and the health of people, is punishable by a fine or to up to five years of imprisonment.

When the criminal act has led to serious material consequences, it is punishable by five to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by five to fifteen years of imprisonment.

**Article 155**  
**Destroying roads**

Intentionally destroying or damaging automobile roads, railways and works related to them, is punishable by a fine or up to seven years of imprisonment.

When the criminal act has led to serious material consequences, it is punishable by three to ten years of imprisonment.

When serious consequences to the health of people have resulted, it is punishable by five to fifteen years of imprisonment.

## **Article 156**

### **Destroying power grid (network)**

Intentionally destroying or damaging power, telegraphic, telephonic, radio television network or any other communication network, is punishable by a fine or up to three years of imprisonment.

This very act, when committed with accomplices, more than once, or when it brought about serious consequences, is punished by imprisonment up to three years.

## **Article 157**

### **Destroying the watering system**

Intentionally destroying or damaging the watering or draining systems or the works related to them, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## **Article 158**

### **[No title in original]**

Unfair management of water, by turning or changing the waterlines, by opening the dams, by constructing or closing draining or watering channels, waterlines or other works, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## **Article 159**

### **Destroying water-supply system**

Connecting, or any other intervention into the water supply system conducted without prior permission, in order to get drinking water, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Intentionally destroying the water-supply system is punishable by up to five years of imprisonment.

## **Article 160**

### **Destroying works of culture**

Intentionally destroying or damaging works of culture is punishable by a fine or up to three years of imprisonment.

When the criminal act has resulted into the destruction or damaging of works of culture of national importance, it is punishable by a fine or up to eight years of imprisonment.

## **Article 161**

### **Destruction of property due to negligence**

Destruction or damaging of property due to negligence, when serious material consequences have resulted, is punishable by a fine or up to three years of imprisonment.

## **Article 162**

### **Collision of public transportation means**

Colliding of trains, ships, airplanes, due to negligence, when crashing, burning, sinking, overturning, derailment, or serious material consequences accompanying the event have resulted, is punishable by a fine or up to five years of imprisonment.

## **SECTION IV CRIMINAL ACTS COMMITTED IN CORPORATIONS**

### **Article 163 Drafting false statements**

Drafting false statements, about the increase of capital of a company, related to the distribution of shares of initial capital to the shareholders [or] its repayment or the deposit of funds, constitutes criminal contravention and is punishable by a fine.

### **Article 164 Abuse of powers**

Abuse of powers by members of the executive board or by managers of the company with the intent of embezzlement or favouritism of another company where they have interests, is punishable by a fine or up to five years of imprisonment.

### **Article 164/a Active corruption in the private sector**

The direct or indirect promise, offer, or giving to a person, who exercises a management function in a commercial company or who works in any other position in the private sector, of any irregular benefit for himself or a third person, in order to act or in order to fail to act, contrary to his duty, is punished with a prison term of three months up to three years.

### **Article 164/b Passive corruption in the private sector**

Direct or indirect soliciting or taking of any irregular benefit or of any such promise, for himself or a third person, or accepting an offer or a promise that follows from the irregular benefit, of the person that exercises a management function or works in whatever position in the private sector, with the purpose to act or not to act contrary to his duty or function, is sentenced with imprisonment term of six months up to five years.

### **Article 165 Falsifying signatures**

Falsifying signatures and deposits, or false statement of deposits of the company's funds, or publication of signatures and deposits of fictitious people, or assessing the contribution in kind to a bigger value than the factual one, is punishable by a fine or up to five years of imprisonment.

### **Article 166 Irregularly issuing shares**

Irregularly issuing shares before registration of the company, or when registration is made illegally, or when the documents of the company have not yet been [formally] completed, or when the statute of the company after its increase of capital has not been changed or has not been registered or has been drafted unlawfully, constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

#### **Article 167**

##### **Unfairly holding two capacities at the same time**

Simultaneously holding the capacities of shareholder and certified accountant constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

#### **Article 168**

##### **Giving false information**

Giving false information on the situation of a company by the certified accountant of a corporation, or non-reporting to the competent agency on an offence committed, when cases of exclusion from criminal responsibility provided in Article 300 of this Code do not exist, is punishable by a fine or up to five years of imprisonment.

#### **Article 169**

##### **Revealing secrets of a company**

Revealing the secrets of a company by its certified accountant, except in the case when he is compelled to do so by law, criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### **Article 170**

##### **Refusing to write mandatory notes**

Refusing to write mandatory notes by the manager or the liquidator of the company constitutes criminal contravention and is punishable by a fine.

#### **Article 170/a**

##### **Illegal employment**

Employment without registration with the competent authorities or without guaranteeing employee's insurance according the regulations, when an administrative measure has been rendered first, is sentenced with a fine up to 10 000 Lek for any case, or with imprisonment of up to one year.

Deliberate omission or camouflage of the infringements connected with the employment or the social security from people tasked with the application and the control of the relevant dispositions, constitutes a criminal contravention and is punished with a fine of up to 100 000. Lek, or imprisonment of up to two years.

#### **Article 170/b**

##### **Illegal competition through violence**

The performance, during the exercise of commercial activity, of actions of competition through threat or violence, is punished with imprisonment from one to four years.

When the acts of competition are directed towards activities fully or partly, and in any way financed from the state or from the public entities, the sentence with imprisonment is added with one third.

#### **SECTION IV/1**

#### **PENAL OFFENSES RELATED TO EXERCISE OF FINANCIAL AND BANKING ACTIVITIES**

##### **Article 170/c**

##### **Exercise without license of the banking activity**

Exercise of banking activity by persons who are not licensed for this purpose according to bank law in force, is sentenced by fine or up to three year imprisonment. The same penal offense when has caused severe consequences for the public interests or for the interests of nationals, is sentenced by fine or up to seven years imprisonment.

##### **Article 170/ç**

##### **Exercise without license of financial activity**

Exercise of one or several different financial activities of the banking area by persons who are not licensed for this purpose according to bank or financial law in force, are sentenced by fine or up to three years imprisonment. The same penal offense when has caused severe consequences for the public interests or for the interests of nationals, is sentenced by fine or up to five years imprisonment.

#### **SECTION V**

#### **CRIMES IN THE FIELD OF CUSTOMS**

##### **Article 171**

##### **Smuggling unauthorized goods**

Unlawful importing, exporting or transiting unauthorized goods entering or leaving the Republic of Albania, committed through any means or ways, is sentenced up to ten years of imprisonment.

##### **Article 172**

##### **Smuggling goods to which excise duty is applied**

Importing, exporting or transiting goods to which excise duty is applied, by passing them through places out of the custom stations, their partial or total concealment, inaccurate declaration to customs, false declaration of the kind, sort, quality, price, destination of goods or other forms aimed at avoiding custom duties, are punishable by a fine or up to seven years of imprisonment.

##### **Article 173**

##### **Smuggling goods requiring license**

Importing, exporting or transiting goods which require a license from the competent authority by passing them through places out of the custom stations, their partial or total concealment, inaccurate declaration to the customs, false declaration of the kind, sort, quality, price,

destination of goods or other forms aimed at avoiding custom duties, are punishable by a fine or up to five years of imprisonment.

#### **Article 174**

##### **Smuggling other goods**

Importing, exporting or transiting goods by passing them through places out of the custom stations, their partial or total concealment, inaccurate declaration to the customs, false declaration of the kind, sort, quality, price, destination of goods or other forms aimed at avoiding custom duties, are punishable by a fine or up to five years of imprisonment.

#### **Article 175**

##### **Smuggling carried out by custom officials**

Smuggling carried out by custom officials, or by other employees having a working relationship with the activity of customs, even when in collaboration with other persons, is punishable by three to ten years of imprisonment.

#### **Article 176**

##### **Smuggling [goods with] cultural value**

Importing, exporting or transiting [goods with] national cultural value carried out against the legal provisions related to them is sentenced up to ten years of imprisonment.

#### **Article 177**

##### **Smuggling goods holding intermediate status**

Importing, exporting or transiting goods which are declared as having an intermediate status with the intent of avoiding the custom duties is punishable by a fine or up to five years of imprisonment.

#### **Article 178**

##### **Trading and transportation of smuggled goods**

Trading, alienation or transportation of goods, which are known to be smuggled, as well as any help given to persons engaged in those activities, is punishable by a fine or up to three years of imprisonment.

#### **Article 179**

##### **Storing smuggled goods**

Storing, accumulating, keeping or processing goods, which are known to be smuggled, is punishable by a fine or up to three years of imprisonment.

#### **Article 179/a**

##### **The non-declaration of money and of valuable objects**

The non- declaration, in entrance or exit of the territory of the Republic of Albania of amounts of money, of any type of bank check, of metals or precious stones, as well as of

other valuable objects, beyond the value provided by law, constitutes penal contravention and is punished by fine or imprisonment up to two years.

## **SECTION VI**

### **CRIMINAL ACTS RELATED TO TAXATION AND TARIFFS**

#### **Article 180**

##### **Concealment of income**

Concealment or avoiding payment of taxes by not submitting documents or not declaring the necessary data envisaged by the effective legislation, by submitting forged documents, statements or false information in order to have personal material gains, for one's self or for others, by miscalculating the amount of taxes, fees or contribution, shall constitute a criminal offence and shall be punishable by a fine or up to three years of imprisonment.

When this offence is committed with the intention of concealing or avoiding payment of a tax above five million Lekë, it shall be punishable by two to five years of imprisonment.

When this offence is done with the intention of concealing or avoiding payment of a tax above eight million Lekë, it shall be punishable by four to eight years of imprisonment.

#### **Article 181**

##### **Non-payment of taxes**

Non-payment of taxes [and tariffs] within the time required by law by the person against whom administrative sanctions were previously taken for the same reason, is punishable by a fine or up to three years of imprisonment.

#### **Article 181/a**

##### **Non completion of duties from tax authorities**

Non completion of the duties related with collecting of the taxes and tariffs within the defined legal term by the employees of the tax organs and other official persons assigned with these duties, when it is done because of their fault and has brought a damage to the state with a value of less than one million Lek, is punished by fine of up to two million Lek; when the value is higher than one million Lek it is punished by three to up to ten years imprisonment.

#### **Article 182**

##### **Modification of measurement devices**

Modification or any other intervention in measurement devices and counters, or utilizing altered measurement devices and counters, or allowing the use by others of irregular measurement devices and counters, with the intent of avoiding the full payment of taxes [and tariffs], constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### **Article 182/a**

##### **Destruction of sign posts used to block or suspend a commercial activity**

Deliberate destruction of visible signs placed by the tax administration to block or suspend the commercial activity, or the exercise of a commercial activity, after the notification of the

decision of the tax administration for its blocking or suspension, shall constitute a criminal contravention and shall be punishable by fine or imprisonment up to one year.

## **SECTION VII FALSIFYING CURRENCY OR MONEY ORDERS (BOND PAPER)**

### **Article 183 Money counterfeiting**

Forging or putting in circulation counterfeit money is punishable by imprisonment up to five years.

This very act, when committed with accomplices, or more than once, or when it brought about serious consequences, is punished by imprisonment from five to fifteen years.

### **Article 184 Forging valued papers/vouchers**

Forging and putting in use checks, bills of exchange, credit cards, traveler's checks, or other valued papers, is punished by imprisonment up to five years.

This very act, when committed with accomplices, or more than once, or when it brought about serious consequences, is punished by imprisonment from three to ten years.

### **Article 185 Producing instruments for forgery**

Manufacturing or keeping equipment for falsifying currency, checks, bills of exchange, credit cards, traveler's checks or other financial documents, is punishable by a fine or from one to three years of imprisonment.

This very act, when committed with accomplices, or more than once, or when it brought about serious consequences, is punished by imprisonment from three to ten years.

## **SECTION VIII FALSIFICATION OF DOCUMENTS**

### **Article 186 Falsification of Documents**

The falsification or use of falsified documents is punished with imprisonment of up to three years.

When this crime is committed in collaboration or more than once or when it has brought serious consequences, it is punished with imprisonment of from six months to four years.

When the falsification is done by a person who has the duty of issuing the document, it is punished with imprisonment of from one year to seven years.

### **Article 186/a Computer falsification**

Entering, modifying, deleting or omitting computer data, unlawfully, in order to create false data aiming to submit and use them as authentic, despite of whether the created data are

directly readable or understandable are punishable by imprisonment from six months to six years.

When this very act is committed by the person whose task is to safeguard and administrate computer data, with accomplices, more than once, or has brought about serious consequence to the public interest, is punishable by imprisonment from three up to ten years.

#### **Article 187**

##### **Falsification of school documents**

Falsifying or use of falsified school documents is punishable by a fine or up to three years of imprisonment.

When the person having the capacity to issue the document makes the falsification, it is punishable by a fine or up to five years of imprisonment.

#### **Article 188**

##### **Falsification of health-related documents**

Falsifying or use of falsified health-related documents is punishable by a fine or up to three years of imprisonment.

When the person having the capacity to issue the document makes the falsification, it is punishable by a fine or up to five years of imprisonment.

#### **Article 189**

##### **Falsification of Identity Documents, Passports or Visas**

The falsification or use of falsified identity documents, passports or visas is punished with imprisonment of from six months to four years.

When this crime is committed in collaboration or more than once or has brought serious consequences, it is punished with imprisonment of from six months to five years.

When the falsification is done by a person who has the duty of issuing the identity document, passport or visa, it is punished with imprisonment of from three to seven years.

#### **Article 190**

##### **Falsification of Seals, Stamps or Forms**

The falsification or use of falsified seals, stamps or forms, or the presentation of false circumstances in the latter that are directed to state organs, is punished with imprisonment of from six months to four years and with a fine of from 400,000 to one million Lek.

When this crime is committed in collaboration or more than once or has brought serious consequences, it is punished with imprisonment of from six months to five years and with a fine of from 600,000 to two million Lek.

When the falsification is done by a person who has the duty of compiling them, it is punished with imprisonment of from three to seven years and with a fine of from one million to three million Lek.

#### **Article 191**

##### **Falsification of Civil Status Documents**

The falsification or use of falsified civil status documents is punished with imprisonment of from three months to two years and with a fine of from 300,000 to 600,000 Lek.

When this crime is committed in collaboration or more than once or has brought serious consequences, it is punished with imprisonment of from six months to four years and with a fine of from 500,000 to one million Lek.

When the falsification is done by a person who has the duty of issuing the document, it is punished with imprisonment of from one to five years and with a fine of from one million to three million Lek.

#### **Article 192**

##### **Production of devices to falsify documents**

Production of, or conserving, devices to falsify documents constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### **Article 192/a**

##### **Documents disappearing and stealing**

Illegal eliminating, in any way, of archive or library documents, and, disappearing and stealing documents of a particular importance, is punished by a fine or imprisonment up to three years.

Stealing archive or library documents that are particularly important or their illegal exportation is punished by a fine or imprisonment up to five years.

#### **Article 192/b**

##### **Unauthorized computer access**

Unauthorized access or access in excess of the authorization to access a computer system or in a part thereof, through violation of the security measures, is punishable by fine or imprisonment up to three years.

When this very act is committed in military, national security, public order, civil protection, health computer systems or any other computer system of public importance, it is punishable by imprisonment from three up to ten years.

### **SECTION IX**

#### **CRIMINAL ACTS IN THE AREA OF BANKRUPTCY**

#### **Article 193**

##### **Provoked bankruptcy**

Intentionally provoking bankruptcy by a juridical person is punishable by a fine or up to three years of imprisonment.

#### **Article 194**

##### **Concealment of bankruptcy status**

Entering into an economic commercial relationship with a third party by a juridical person with the intent of concealing bankruptcy status is punishable by a fine or up to five years of imprisonment.

#### **Article 195**

##### **Concealment of assets after bankruptcy**

Concealment of assets by a juridical person upon the act of bankruptcy with the intent of avoiding its consequences is punishable by a fine or up to seven years of imprisonment.

#### **Article 196**

##### **Failure to comply with obligations**

Failure by a juridical person to comply with its obligations arising under bankruptcy constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

### **SECTION X**

#### **UNLAWFUL LOTTERIES AND GAMBLING**

#### **Article 197**

##### **Organizing unlawful lotteries**

Organizing lotteries or gambling in breach of legal provisions constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

#### **Article 197/a**

##### **Predetermining results in sports contests**

Actions or omissions for predetermining results in national and international sports contests, contrary to fair play principles, constitute criminal contravention and are punishable by fine from 500 000 Lek up to three million Lek or by imprisonment from three months up to two years.

This very offence, when committed for property gains, is punishable by imprisonment from two to seven years.

#### **Article 197/b**

##### **Distortion of competition in sports contests**

Distortion of competition in sports contests by participants, through use of prohibited substances constitutes criminal contravention and is punishable by fine or imprisonment up to two years.

#### **Article 198**

##### **Providing the premises for unlawful gambling**

Providing the premises for organizing or playing a lottery or gambling in breach of the legal provisions constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

### **SECTION XI**

#### **CRIMINAL ACTS WHICH VIOLATE THE LEGAL STATUS OF LAND**

#### **Article 199**

##### **Misuse of land**

Misuse of land in violation of its designated purpose constitutes criminal contravention and is punishable by a fine or to up six months of imprisonment.

**Article 199/a**  
**Unlawful construction**

Unlawful construction of an building in one's land is punishable by fine or imprisonment of up to one year.

This very offence, committed in public or state owned land or in another person's land is punishable with imprisonment from one to five years.

**Article 200**  
**Unlawfully taking land**

Unlawfully taking land constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

**CHAPTER IV**  
**CRIMINAL ACTS AGAINST ENVIRONMENT**

**Article 201**  
**Polluting the air**

Polluting the air through the emission of smoke, gasses and other toxic radioactive substances, when it increases the normal limit allowed, and when the act does not constitute administrative contravention, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

The same act, when it has caused serious consequences to the life and health of people, is sentenced up to ten years of imprisonment.

**Article 202**  
**Transporting toxic waste**

Transporting toxic and radioactive waste transit into the Albanian territory or their depositing therein is punishable by one to five years of imprisonment.

The same act, when it has caused serious consequences to the life and health of people, is punishable by five to fifteen years of imprisonment.

**Article 203**  
**Polluting the water**

Polluting the waters of the seas, rivers, lakes or the springs of the water supply system with waste either toxic or radioactive or other substances, which break the ecological balance, is sentenced up to five years of imprisonment.

The same act, when has caused serious consequences to the life and health of people, is punishable by five to ten years of imprisonment.

**Article 204**  
**Prohibited fishing**

Fishing undertaken at a prohibited time, place or method constitutes criminal contravention and is punishable by a fine or to up three months of imprisonment.

Fishing undertaken through means of public danger like explosives, poisonous substances, etc, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### **Article 205**

##### **Unlawfully cutting forests**

Cutting or damaging forests without authorization or when it is undertaken at a prohibited time or place, when the act does not constitute administrative contravention, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### **Article 206**

##### **Cutting decoration and fruit trees**

Cutting decoration trees and damaging gardens and parks in the cities constitutes criminal contravention and is punishable by a fine.

Cutting trees in fruit or olive plantations and vineyards, after [the application] for cutting permit has been previously refused by the competent authority, constitutes criminal contravention and is sentenced up to three months of imprisonment.

#### **Article 206/a**

##### **Destruction by fire of forests and forest environment**

Intentionally destroying or damaging, causing serious material consequence, the forest stock, nursery – plot, forest reserve or any other unit similar to them, through fire, is punishable by imprisonment from five to eight years.

This very same act, committed aiming to change the category and destination of land is punishable by imprisonment from five to fifteen years

The same act, when it has caused serious consequence to the property, health or life of people or causes serious damage over an extended period of time on the environment or protected areas, is punishable by imprisonment from ten to twenty years

#### **Article 206/b**

##### **Destruction from negligence by fire of forests and forest environment**

Destroying or damaging from negligence, with serious material consequence, of the forest stock, nursery – plot, forest reserve or any other unit similar to them, by fire, is punishable by imprisonment from two to five years.

This very act, when it brought about serious consequence to the property, health or life of people or when it causes serious damage over an extended period of time on the environment or protected areas, is punishable by imprisonment from three to eight years.

#### **Article 207**

##### **Breach of quarantine for plants and animals**

Breach of rules of quarantine for plants or animals, when it has led to serious consequences which are either material or which bring serious danger to the life and health of people, constitutes criminal contravention and is punishable by a fine.

**CHAPTER V**  
**CRIMES AGAINST INDEPENDENCE AND CONSTITUTIONAL ORDER**

**SECTION I**  
**CRIMES AGAINST INDEPENDENCE AND INTEGRITY**

**Article 208**  
**Transferring territory**

The total or partial transfer of territory to foreign state or power, with the intent of violating the independence and integrity of the country, is punishable by no less than fifteen years of imprisonment or to life imprisonment.

**Article 209**  
**Surrendering the army**

[The act of] total or partial surrendering of the army or handing over defence materials or supplying weapons and ammunition to a foreign state or power, with the intent of violating the independence and integrity of the country, is punishable by no less than fifteen years of imprisonment or to life imprisonment.

**Article 210**  
**Agreement for transferring territory**

Agreement with foreign powers or states for the total or partial transferring of territory or handing over of the army and defence materials, with the intent of violating the integrity of the country, is punishable by five to ten years of imprisonment.

**Article 211**  
**Provocation of war**

Committing acts with the intent to provoke a war or make the Republic of Albania face the danger of an [military] intervention by foreign powers, is punishable by no less than fifteen years of imprisonment.

**Article 212**  
**Agreement for armed intervention**

Agreements entered into with foreign powers or states to cause armed intervention against the territory of the Republic of Albania, is punishable by ten to fifteen years of imprisonment.

**Article 213**  
**Handing over classified information**

Handing over classified information of military or other character to a foreign power with the intent of encroaching the independence of the country, is punishable by ten to twenty years of imprisonment.

**Article 214**  
**Providing information**

Providing classified information of military or other character, with the intention to hand over to foreign power in order to encroach the independence of the country, is punishable by three to ten years of imprisonment.

**Article 215**  
**Damaging defence objects**

Destroying or damaging means, equipment, appliances, weapons, military technique or objects for military defence, with the intent of reducing the country's defensive capacity, is punishable by five to fifteen years of imprisonment.

**Article 216**  
**Providing means for destroying military technique**

Production or keeping means for destroying or damaging equipment, appliances, weapons, means of military technique or objects for military defence, with the intent of reducing the country's defence capacity, is sentenced up to ten years of imprisonment.

**Article 217**  
**Getting paid [from foreign states]**

Getting paid or the agreement to get paid or to receive other material benefits, in order to commit in favor of foreign states or powers one of the crimes provided for in this section, is punishable by five to ten years of imprisonment.

**Article 218**  
**Placing oneself in the service of foreign states**

Placing an Albanian citizen in the service of a foreign state or power, with the intent of committing acts against the independence and integrity of the Republic of Albania, is punishable by three to ten years of imprisonment.

**SECTION II**  
**CRIMES AGAINST CONSTITUTIONAL ORDER**

**Article 219**  
**Assassination**

Assassination, kidnapping, torturing or other acts of violence [committed] against the highest representatives of the state, with the intent of overturning constitutional order, is punishable by no less than fifteen years of imprisonment or to life imprisonment.

**Article 220**  
**Conspiracy**

Decision-making and creating material conditions by a group of people to commit an assassination is punishable by five to fifteen years of imprisonment.

**Article 221**  
**Rioting**

Participating in violent massive actions such as placing obstacles and barricades to stop the police, resisting them with arms or disarming them, forcibly occupying buildings, looting, gathering or placing under [one's] disposal weapons, ammunition and people, facilitating the rioters, committed with the intent of overturning constitutional order, is punishable by fifteen to twenty five years of imprisonment.

Participation in the above-mentioned activities with the capacity of a leader or an organizer is punishable by life imprisonment.

**Article 222**  
**Calls for taking on the arms or unlawful taking-over of the command**

Calls for taking up arms against constitutional order, creating or organizing the armed forces in violation to the law, unlawful taking-over of the command of the armed forces in order to conduct military actions with the intent of opposing constitutional order, are punishable by five to ten years of imprisonment.

**Article 223**  
**Public calls for violence**

Public calls to commit violent acts against the constitutional order, are punishable by a fine or up to three years of imprisonment.

**Article 224**  
**Founding unconstitutional parties or associations**

Founding of or participating in parties, organizations or associations which intend to violently overturn the constitutional order is punishable by a fine or up to three years of imprisonment. Re-founding a party, organization or association that was previously banned as unconstitutional or the continuation of their activity in an open or covert way is punishable by one to five years of imprisonment.

**Article 225**  
**Distributing unconstitutional writings**

Distribution of writings or use of symbols belonging to an unconstitutional party, organization or associations or to one previously banned on the same grounds, is punishable by a fine or up to three years of imprisonment.

Distributing or infiltrating materials, writings or symbols into the Republic of Albania from abroad, with the intent to overturn the constitutional order or affect the territorial integrity of the country, is punishable by a fine or up to three years of imprisonment.

**CHAPTER VI**  
**CRIMES ENCROACHING RELATIONS WITH OTHER STATES**

### **Article 226**

#### **Violent Acts against internationally protected persons**

Committing violent acts against internationally protected persons, is sentenced up to ten years of imprisonment.

### **Article 227<sup>7</sup>**

### **Article 228**

#### **Violent Actions against the places of work of internationally protected persons**

Committing violent acts against work-places, residences, means of transportation of internationally protected persons constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When the act has resulted in serious material consequences or in complications in the bilateral relations, it is sentenced up to ten years of imprisonment.

### **Article 229<sup>8</sup>**

## **CHAPTER VII ACTS WITH TERRORIST PURPOSES**

### **Article 230**

#### **Acts with terrorist purposes**

The commission of the following acts, that have the purpose to intimidate the public or compel an Albanian or foreign governmental agencies to do or refrain from doing any act, or seriously destroy or destabilize, essential political, constitutional, economical, and social structures of the Albanian State, or another State, institution or international organization, is punishable by no less than 15 years of imprisonment or by life imprisonment.

Offences with terrorist purposes shall include:

- a) Criminal Offences against the person, which may cause the death or serious injury;
- b) Abduction of aircrafts, ships, other means of transport or fixed platforms or unlawful exercise of control over them, by means of violence or threat for the use of violence or any other forms of threat;
- c) Commission of acts of violence against a person aboard a flying aircraft, ship or fixed platform if these acts may threaten the security of the aircraft, vessel or fixed platform;
- ç) Destruction of a functioning aircraft, ship or fixed platform or the cause of such damages to the aircraft, ship or its load or fixed platform which render impossible or threaten or may threaten the security of the flight, navigation or fixed platform;
- d) Placement by any means to the service aircraft, ship or fixed platform, an equipment or substance that may destroy the aircraft, ship or fixed platform or that may cause damages to the aircraft, ship or its load or fixed platform and which threatens or may threaten the security of flight, ship navigation or of the fixed platform;

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7 Abrogated with law 23/2012

8 Abrogated with law 23/2012

- dh) Destruction or damage of the flying equipment or maritime navigation equipment or intervention in their functioning if the security of ship or aircraft may be threatened from such an act;
  - e) Distribution of information that is known to be untrue, threatening the security of a flying aircraft or the navigating ship;
  - ë) Murder or abduction of an internationally protected person under article 9 of this Code or any other assaults against him or his freedom;
  - f) Violent assault against the office, private dwelling or means of transport of the internationally protected person according to article 9 of this Code, if the person or his freedom is threatened from this assault;
  - g) Abduction or kidnapping and threat to murder, damage or continue his kidnapping;
  - gj) Handover, possession, use, transfer, alienation, possession or distribution of the nuclear material, intentionally or without being legally authorized if death or serious injuries are caused or may be caused to any person or the property is adversely damaged;
  - h) Theft, appropriation or profit through the fraud against nuclear materials;
  - i) Search of nuclear materials by use of coercion, violence or any other forms of threat;
  - j) Production, possession, purchase, transport or trading of explosives, firearms, biological, chemical or nuclear weapons and scientific research for the production of the weapons of mass destruction;
  - k) Commission of acts of violence by use of any equipment, substances or weapons against a person in an airport of international civil aviation if these acts cause or may cause serious injuries or death of persons;
  - l) Destruction or serious damage of the premises or equipment in an airport of international civil aviation or in an aircraft which is not flying, located in this airport or the disruption of airport services by use of any equipment or weapons if this act threatens or may threaten the airport security;
  - ll) Distribution, placement, unloading or explosion of narcotic substances or of other lethal equipment in public places, offices of a state or government, public transport system or public infrastructure, as well as environmental distribution of hazardous substances, cause of fires, floods, explosions, for the purpose of causing death or serious bodily injuries or for the purpose of causing massive destructions of the above cited places, premises or systems, if this destruction incurs or may incur huge economic losses;
  - m) Adverse and massive destruction of public property, public infrastructure, transport system, information system, private property, threatening people's life;
  - n) Cause of the interruption of the supply with water, energy or any other significant sources; or any other offences intended to cause the death or serious injury of civilians or of any other person who does not actively participate in military actions under a situation of armed conflict, committed for the purposes specified in the first paragraph of this article.
- Actions which cause interruption of an important service, system, public or private activity, as a result of a protest, civil disobedience, or strike, will not be considered offences with terrorist purposes in the context of this article (new).

### **Article 230/a**

#### **Financing of terrorism**

Provision or collection of funds by any means, directly or indirectly, with the unlawful intention that they should be used or in the knowledge that they are to be used, in full or in part in order to:

- a) to commit offences with terrorist purposes;
- b) by a terrorist organization;

c) by an individual terrorist,

shall be punishable by not less than fifteen years of imprisonment or by life imprisonment.

The provisions of this article shall apply:

a) to all funds including assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, letters of credit and any other similar financial instruments;

b) Notwithstanding if the person who is presumed to have committed the criminal offence is situated in the same state or in a state other than the one in which the terrorist organization or the terrorist is situated or other than the state in which the offence with terrorist purposes is or shall be committed;

c) in the case provided for in the first paragraph of this article, notwithstanding if the funds were actually used for the commission of the offence or offences for which they were provided or collected, or if a link between the funds and one or more concrete offences with terrorist purposes can be made;

The awareness and purpose required by the first paragraph of this article may be revealed from objective circumstances of the fact.

#### **Article 230/b**

##### **The hiding/concealing of funds and other wealth/goods that finance terrorism**

The transfer the conversion, the concealing, the movement or the change of property of the funds and of other goods, which are put under measures against terrorism financing, in order to avoid the discovery and their location, is sentenced with imprisonment from four to twelve years.

When this crime is committed during the exercise of a professional activity in cooperation or more than one time, it is sentenced to imprisonment from seven to fifteen years, whereas when it causes serious consequences, it is sentenced with imprisonment for no less than fifteen years.

#### **Article 230/c**

##### **Giving information from persons who perform public functions or persons on duty or exercising a profession**

Getting acquainted identified persons or of other persons with data regarding the verification or the investigation of funds and other goods towards which are applied measures against terrorism financing, from persons exercising public functions or in exercise of their duty or profession, is sentenced with imprisonment from five to ten years.

#### **Article 230/ç**

##### **The performance of the services and actions with identified persons**

Issuing of funds and of other assets, the performance of financial services as well as of other transactions with identified persons towards whom are applied measures against terrorism financing is sentenced with imprisonment from four to ten years.

## **Article 230/d<sup>9</sup>**

### **Article 231**

#### **Recruitment of persons for committing acts with terrorist purposes or financing of terrorism**

Recruitment of one or more persons for committing acts with terrorist purposes or financing of terrorism, even when these acts are aimed at another country, international organization or institution, if it does not constitute another criminal act, is punishable by no less than ten years of imprisonment.

### **Article 232**

#### **Training for committing acts with terrorist purposes**

Preparation, training and giving any form of instruction even in anonymous manner or in electronic form, for producing or using explosive substances, military weapons and ammunition, other weapons and chemical, bacteriologic, nuclear or any other substance, dangerous and hazardous to people and property, as well as techniques and methodologies for committing acts with terrorist purposes and participation in such activities, even when these acts aim at another country, international organizations or institutions, if they don't constitute another criminal act, are punishable with no less than seven years of imprisonment.

### **Article 232/a**

#### **Incitement, public call and propaganda for committing acts with terrorist purposes**

Incitement, public call, distribution of pieces of writing or propaganda in other forms, with the aim of supporting or committing one or more acts for terrorist purposes and financing of terrorism, if they do not constitute other criminal act, are punishable by imprisonment from four up to ten years.

### **Article 232/b**

#### **Threat for committing acts with terrorist purposes**

Serious threat for committing acts with terrorist purposes to a public authority, even of another country, international organization or institution, is punishable by imprisonment from eight up to fifteen years.

### **Article 233**

#### **Creating armed crowds**

Creating armed crowds to oppose public order through violent acts against the life, health, personal freedom of the individual, property, with the intent of instilling fear and uncertainty in the public, is sentenced up to ten years of imprisonment.

### **Article 234**

#### **Producing (manufacturing) military weapons**

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<sup>9</sup> Abrogated with law 23/2012

Producing (manufacturing), storing, transporting of military, chemical, biological, nuclear weapons which have a poisonous or explosive base, with the intent of committing acts of terrorism, is punishable by five to fifteen years of imprisonment.

**Article 234/a**  
**Terrorist organizations**

The establishment, the organization, the leading and the financing of the terrorist organizations is sentenced with imprisonment of no less than fifteen years.

The participation in terrorist organizations is sentenced to imprisonment from seven to fifteen years.

**Article 234/b**  
**Armed gangs**

The establishment, the organization, the leading and the financing of the armed gangs is sentenced with imprisonment from ten to fifteen years.

The participation in armed gangs is sentenced to imprisonment from five to ten years.

**CHAPTER VIII**  
**CRIMES AGAINST THE STATE AUTHORITY**

**SECTION I**  
**CRIMINAL ACTS AGAINST STATE ACTIVITY COMMITTED BY**  
**[ALBANIAN] CITIZENS**

**Article 235**  
**Opposing the public official that carries out a state duty or provides a public service**

Opposing an official on state duty or public service, with the intent of hindering his fulfillment of his duty or service in compliance with law, constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

This very act, when committed by accomplices, or by wielding physical violence, or more than once, is punished by a fine or imprisonment up to five years.

**Article 236**  
**Opposing the official of the public order police**

Opposing the official of the public order police with the intent of hindering his fulfillment of duty in compliance with law, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When the same act is committed through physical violence, it is punishable up to seven years of imprisonment.

**Article 237**  
**Assault [to an official] on duty**

Assault or other violent acts committed toward an official acting in the execution of a state duty or public service, because of his state activity or service, are punishable by a fine or up to three years of imprisonment.

#### **Article 238**

##### **Threatening [a public official] on duty**

Serious threat of assassination or critical injury toward an official acting in the execution of a state duty or public service, because of his state activity or service, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### **Article 239<sup>10</sup>**

#### **Article 240<sup>11</sup>**

#### **Article 241<sup>12</sup>**

#### **Article 242**

##### **Disobeying orders of the official of public order police**

Disobeying the lawful orders of the official of public order police constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

#### **Article 243**

##### **Assaulting family members of a person acting in exercise of his state duty**

Assault or other violent acts committed toward the family member of a person acting in the exercise of his state duty or public service, with the intent of preventing the fulfillment of the duty or service, or which is related to this activity, is punishable by a fine or up to five years of imprisonment.

#### **Article 244**

##### **Active corruption of persons exercising public functions**

The direct or indirect proposal, offer, or giving, to a person, who exercises public functions, of any irregular benefit for himself or a third person in order to act or not act in relation to his duty, is punished by imprisonment from six months up to three years.

#### **Article 244/a**

##### **Active corruption of foreign public employees**

Promise, proposal, and provision, directly or indirectly, of any kind of irregular benefit, for oneself or for other persons, the foreign public employees, employees of an international public organization, members of a foreign public assembly or members of an international parliamentary assembly, for accomplishment or non-accomplishment of an act, related to their duties or positions, are sentenced by imprisonment from six months up to three years.

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10 Abrogated with law 23/2012

11 Abrogated with law 23/2012

12 Abrogated with law 23/2012

## **Article 245**

### **Active corruption of the high state officials and local elected representatives**

The direct or indirect proposal, offer, or giving, to high state officials or to a locally elected person, of any irregular benefit for himself or a third person in order to act or not act in relation to his duty, is punished by imprisonment from one up to five years

## **Article 245/1**

### **The exercising of unlawful influence on public officials**

The direct or indirect proposal, offer, or giving an irregular benefit, for himself or a third person, to the person who promises and guarantees that he is able to exercise illegal influence on the accomplishment of the duties and on taking of decisions by the Albanian or foreign public functionaries, no matter whether the influence has been actually exercised or not and no matter whether the desirable consequences have occurred or not, is punished with a prison term from six months up to three years.

The direct or indirect soliciting, receiving, or accepting whatever irregular benefit for oneself or a third person, by promising and confirming the ability to exercise illegal influence on the accomplishment of the duties and on adoption of decisions by the Albanian or foreign public functionaries, no matter whether the influence has been actually exercised or not and no matter whether the desirable consequences have occurred or not, is punished with a prison term from six months up to four years.

## **Article 245/2**

### **The exemption from suffering the sentence**

The person, who has promised or given reward or other benefits, in accordance with Articles 164/1, 244, 245, 312, 319 and 328 of this Code, may benefit from exemption from the sentence or the reduction of it in compliance provision of Article 28 of this Code, if they do denunciation and give a contribution in the criminal proceeding of these crimes. In giving this decision the court considers the time when the denunciation is done, the occurrence or not of the consequences of the crime.

## **Article 246**

### **Appropriating a public title or office**

Appropriating a public title or office accompanied with the actions pertinent to the holder of the title or office, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

If the act is committed for embezzlement purposes or has encroached the freedom, dignity or other fundamental rights of the citizen, it is punishable by a fine or up to five years of imprisonment.

## **Article 246/a**

### **Exercise of the profession of auditor and of auditing company without being registered**

Acquisition of professional title of an auditor, exercise of the profession of an auditor or utilization of the name as auditing company, without being previously registered in the public register of auditors, and also the use of any kind of titles, which aims at creating similarity or

confusion with these professional titles or names, when administrative penalties have been levied before, constitute penal misdemeanour and are sentences by fines or up to two years imprisonment.

#### **Article 247**

##### **Unlawfully wearing a uniform**

Unlawfully wearing a uniform, holding a document or a distinctive sign, which shows the capacity of an official working in a state duty or public service, accompanied with illegal acts, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

If the act is committed for embezzlement purposes or it has encroached the freedom, dignity or other fundamental rights of the citizen, it is punishable by a fine or up to five years of imprisonment.

## **SECTION II**

### **CRIMINAL ACTS AGAINST THE ACTIVITY OF THE STATE COMMITTED BY PUBLIC OFFICIALS**

#### **Article 248**

##### **Abuse of office**

Deliberate accomplishment or non-accomplishment of actions or failures to act, in violation to the law and constituting the failure of a person, who carries out public functions, to do his duties regularly, in cases when it has led to bringing him or other persons unjust material or non-material benefits or when it has brought damages to the legitimate interests of the state, citizens, and other legal entities, when it does not constitute another criminal offence, is punished with imprisonment up to seven years

#### **Article 248/a**

##### **Provision, contrary to law, of pensions or other incomes from social insurance**

Provision, contrary to law, of pensions or other incomes from social insurance, by the employee who is responsible to provide them, is sentenced by imprisonment from six months up to seven years and by fines from three hundred thousand ALL up to one million ALL.

#### **Article 249**

##### **Acting in a capacity after its termination**

Continuing to act in a capacity in either the state administration or public service by a person who has been informed of a decision or circumstance terminating its exercise constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### **Article 250**

##### **Committing arbitrary acts**

Committing acts or giving orders that are arbitrary, by an official acting in a state function or public service while exercising his duty, which affect the freedom of citizens, is punishable by a fine or up to seven years of imprisonment.

### **Article 251**

#### **Refusing to take measures to stop unlawful situation**

Refusing to take measures, or refusing to a request from a competent person to stop an unlawful situation resulting from an arbitrary act, which has affected the freedom of citizens, by the person in charge of a state function or public service, who learns of the situation because of the function or service, is punishable by a fine or up to three years of imprisonment.

### **Article 252**

#### **Illegal detention**

Detaining in prison without a decision of the competent body or beyond the term determined in the decision or by law, committed by a person holding the office of prison administrator, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

### **Article 253**

#### **Violating equality of the citizens**

Discrimination by a worker holding a state function or public service conducted because of his capacity or during its exercise, when the discrimination is based upon origin, sex, health situation, religious or political beliefs, trade-union activity or because of belonging to a particular ethnic group, nation, race or religion, which consists in creating unfair privileges or in refusing a right or benefit deriving from law, is punishable by a fine or up to five years of imprisonment.

### **Article 254**

#### **Infringing the inviolability of residence**

Entering into premises without the consent of a person living therein, committed by a person holding a state function or public service during the exercise of his duty, except the cases when it is permitted by law, is punishable by a fine or up to five years of imprisonment.

### **Article 255**

#### **Hindering and violating the secrecy of correspondence**

Giving orders or committing actions for destroying, reading and disseminating postal correspondence, or which breaks, makes it more difficult, puts under control or eavesdrops phone correspondence or any other means of communication, committed by a person holding a state function or public service during the exercise of his duty, except the cases when it is permitted by law, is punishable by a fine or up to three years of imprisonment.

### **Article 256**

#### **Misusing state contributions**

Misusing contributions, subsidies or financing given by the state or state institutions to be used in works and activities of public interest, is punishable by a fine or up to three years of imprisonment.

## **Article 257**

### **Illegal benefiting from interests**

Direct or indirect holding, retaining or benefiting from any sort of interest by a person holding state functions or public service in an enterprise or operation in which, at the time of conducting the act, he was holding the capacity of supervisor, administrator or liquidator, is punishable by a fine or up to four years of imprisonment.

## **Article 257/a**

### **Refusal for the declaration, non-declaration, hiding or false declaration of elected persons and public employees or of any other person who has the legal obligation for declaration**

Refusal for declaration or non-declaration of assets of the elected persons or of the public employees or of any other person who has the legal obligation for declaration in accordance with the law, when previously administrative measures have been taken, constitutes a penal contravention and is punished by fine or imprisonment up to six months. Hiding or false declaration of assets of the elected persons or of the public employees or of any other person who has the legal obligation for declaration is punished by fine or imprisonment up to three years.

## **Article 258**

### **Breaching the equality of participants in public bids or auctions**

Committing actions in breach of the laws which regulate the freedom of participants and the equality of citizens in bids and public auctions, by a person holding state functions or public service in order to create illegal advantage or benefits for third parties, is punishable up to three years imprisonment .

## **Article 259**

### **Passive corruption by public officials**

Soliciting or taking, directly or indirectly, by a person who exercises public functions, of any irregular benefit or of any such promise for himself or for a third person, or accepting an offer or promise deriving from an irregular benefit, in order to act or not act in the exercise of his duty, is punished with a prison term from two up to eight years.

## **Article 259/a**

### **Passive corruption of foreign public employees**

Requesting or receiving, directly or indirectly, any kind of irregular benefits or suchlike promise, for oneself or for other persons, or acceptance of an offer or promise derived from irregular benefits, by a foreign public employee, employee of an international public organization, member of a foreign public assembly or member of an international parliamentary assembly, for accomplishment or non-accomplishment of an action, which is related to his duty or function, is sentenced from two up to eight years imprisonment.

## **Article 260**

### **Passive corruption by high state officials or local elected officials**

Soliciting or taking, directly or indirectly, by a high state official or a local elected official, of any irregular benefit or of any such promise for himself or for a third person, or accepting an offer or promise deriving from an irregular benefit, in order to act or not act in the exercise of his duty, is punished with a prison term from four up to twelve years.

### **SECTION III**

## **CRIMINAL ACTS AGAINST PUBLIC ORDER AND SECURITY**

### **Article 261**

#### **Preventing the exercise of freedom of speech and assembly**

Committing acts that prevent citizens from exercising the right of freedom of speech, assembly or manifestation constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

When those acts are accompanied with use of physical violence, they are punishable by a fine or up to three years of imprisonment.

### **Article 262**

#### **Organizing or participating in illegal assembly**

Organizing the assembly of people in squares and places of public passage, without prior permission by the competent authority according to the specific provisions or when organizers breach the conditions provided in the request for permission, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

Participating in an unlawful assembly after a warning has been made to disperse [it], constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

This very act, when committed more than once, or when it brought about serious consequences, does constitute a penal contravention and is punished by a fine or imprisonment up to two years.

### **Article 263**

#### **Organizing illegal assembly with participation by armed people**

Organizing illegal assembly with participation by armed people is punishable by a fine or up to three years of imprisonment.

Participation in illegal assembly of armed people constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

### **Article 264**

#### **Forcing to attend or not a strike**

Forcing an employee to strike or not to strike against his will or creating obstacles and problems for continuing his job when the employee wishes to work, constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

### **Article 265**

#### **Inciting hate or disputes**

Inciting hate or disputes on the grounds of race, ethnicity, religion or sexual orientation, as well as intentional preparation, dissemination or preservation for purposes of distributing writings with such content, by any means or forms, shall be punishable with two to ten years of imprisonment.

**Article 266**  
**Calls for national hatred**

Endangering public peace by calling for national hatred against other parts of the population, by insulting or defaming them, or by requesting the use of force or arbitrary actions against them, is punishable by two to eight years of imprisonment.

**Article 267**  
**Propagating false information for panic**

Propagating false information or news, in words, in writing, or in any other way, in order to incite a state of insecurity or panic in people, is punishable by a fine or up to five years of imprisonment.

**Article 268**  
**Humiliation of the Republic and its symbols**

Intentional damage of the flag or the emblem of the Republic, displayed at public institutions, constitutes a penal misdemeanour and is sentenced by fines or up to three months imprisonment. Worldwide humiliation of the flag or of the national hymn during the performance of an activity organized by state authorities constitutes penal misdemeanour and is sentenced by fines or up to three months imprisonment”.

**Article 269**  
**Forcible obstruction of the activity of political parties**

Forcible obstruction of the lawful activity of political parties, organizations or associations constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

**Article 270**  
**Prisoner’s rebellion**

Use of force by prisoners against an official holding a state duty or public service, which is made in order to prevent the exercise of the duty or service or because of the activity, is punishable by a fine or up to five years of imprisonment.

When use of force is conducted by a group of persons or is accompanied with riots and disorders or threats and intimidation, it is punishable by a fine or up to ten years of imprisonment.

**Article 271**  
**Providing false information to emergency units**

Intentionally providing false information to emergency units [with intent to] hinder their effectiveness, committed by means of any information or communication, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### **Article 272**

##### **False information to the police**

Providing false information to the police about the commission of a criminal act, with the intent of placing them into a state of readiness or alarm, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### **Article 273**

##### **Leaving the scene of an accident**

Leaving the scene of an accident by a driver of a vehicle or of any other motorized transport, in order to avoid criminal, civil or administrative responsibility, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### **Article 274**

##### **Disturbance of public peace**

Throwing stones or other items into the premises of a citizen, creating disturbing noises such as gunshots or other blasts, using sirens on vehicles irregularly, or doing any other indecent behavior in streets, squares and public places, which clearly affect peace and morality or show a clear indifference for the environment, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### **Article 275**

##### **Malevolence use of phone calls**

Malevolence use of telephone calls made to disturb a third party's peace and quiet enjoyment constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

#### **Article 276**

##### **Unlawful use of the Red Cross emblem**

Unlawful use of the emblem of the Red Cross or the Red Crescent, when it has caused serious material consequences, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

When the criminal act has led to death or serious harm to the health of an individual, it is punishable by a fine or up to ten years of imprisonment.

#### **Article 277**

##### **Self-made justice**

The exercise of a purported right by a person who retains it or who thinks he does but it is not recognized by another person, without addressing the appropriate state competent body, constitutes criminal contravention and is punishable by a fine or up to three months of imprisonment.

## **Article 278**

### **Illegal manufacturing and keeping of military weapons and ammunition**

Manufacturing of arms and of military munitions, explosives, bombs or mines without the permission of competent state authorities shall be punishable by five to fifteen years of imprisonment.

Keeping military ammunitions without authorisation from the competent state authorities shall constitute a criminal contravention and is punishable by fine or imprisonment of up to two years.

Keeping arms, bombs or mines, or explosives in the dwelling place, without the permission of competent state authorities, shall be punishable by one to five years of imprisonment.

Keeping arms, bombs or mines or explosives in vehicles or any other motor vehicle, in public premises or premises open to the public, without the permission of competent state authorities, shall be punishable by seven to fifteen years of imprisonment.

When the criminal offense involves large quantities, is committed in collaboration, more than once, or leads to serious consequences, shall be punishable by ten to twenty years of imprisonment.

## **Article 278/a**

### **Trafficking of weapons and munitions**

Importing, exporting, transiting and trading of the weapons and munitions or their constituent parts in opposition with the law, resulting in other or material benefits, is sentenced by imprisonment from seven to fifteen years.

This very act, when committed by accomplices, more than once, or when it brought about serious consequences, is punishable by imprisonment from ten to twenty years.

## **Article 279**

### **Illegally manufacturing, keeping, purchase or sale of cold weapons**

Manufacturing, keeping, purchase or sale, in the dwelling place, of cold weapons such as swords, bayonets, knives, and other means prepared and intended specifically for assaulting people or for self-defence, without the authorization of state competent bodies, shall be punishable by fine or with up to three years of imprisonment.

Manufacturing, keeping, buying or selling, in a vehicle or any other motorised means, in public areas or areas open to the public, cold weapons such as swords, bayonets, knives and other means prepared and intended specifically for assaulting people or for self-defence, without authorisation from the competent state bodies, shall be punishable by three to eight years imprisonment.

## **Article 280**

### **Illegally manufacturing and keeping hunting and sporting rifles**

Manufacturing, keeping, buying or selling hunting or sporting rifles, as well as their ammunition, without the authorization of state competent bodies, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

## **Article 281**

### **Violation of rules on poisonous substances**

Violating of outlined rules for keeping, manufacturing, usage, storing, transporting or selling poisonous substances with strong effect, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

When the criminal act has led to death, serious harm to the health of people or other serious material consequences, it is punishable by a fine or up to ten years of imprisonment.

#### **Article 282**

##### **Violation of rules on explosive, flammable or radioactive substances**

Violating of outlined rules for keeping, manufacturing, use, storing, transporting and sale of explosive, firing or radioactive substances, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

When the criminal act has led to death or has caused serious harm to the health of people or other serious material consequences have resulted, is punishable by a fine or up to ten years of imprisonment.

#### **Article 282/a**

##### **Traffic of explosive, burning, poison and radioactive matters**

The illegal import, export, transit, and trade of explosive, burning, poison and radioactive substances, in order to have material or other benefits, is punishable by imprisonment from seven to fifteen years.

This very act, when committed by accomplices, or more than once, or when it brought about serious consequences, is sentenced by imprisonment from ten to twenty years.

#### **Article 282/b**

##### **Training on unlawful manufacturing of weapons and other dangerous substances**

Preparation, training, providing instructions in any form, anonymously or electronically, in opposition with the law, to manufacture or use explosives, firearms, munitions, other weapons, biologic, bacteriologic, nuclear materials or of any other kind, hazardous or dangerous to the people and property, if it doesn't constitute a criminal act, is punishable by imprisonment of from two to seven years.

#### **Article 283**

##### **Manufacturing and selling narcotics**

Selling, offers to sell, giving or taking in any form, distribution, trading, transport, sending, delivering, and keeping (besides cases when it is for personal use and in small doses) of narcotic and psychotropic substances and seeds of narcotic plants, when it is illegal, is punished by imprisonment from five to ten years.

This very act, when committed by accomplices, or more than once, is punished by imprisonment from seven to fifteen years.

Organizing, managing or financing this activity is punishable by ten to twenty years of imprisonment.

#### **Article 283/a**

##### **Traffic of narcotics**

The illegal import, export, transit, and trade of narcotic and psychotropic substances and narcotic plant seeds is punished by imprisonment from seven to fifteen years.

This very act, when committed by accomplices, or more than once, is punished by imprisonment from ten to twenty years.

Organizing, running, or financing this activity is punished by imprisonment not less than fifteen years.

#### **Article 283/b**

##### **Facilitating the drugs intake and use**

Illegal facilitation of narcotic or psychotropic substances, by the persons, who because of their duty administer such substances, in opposition with the respective legal provisions, is punished by imprisonment from three to seven years.

#### **Article 284**

##### **Cultivating narcotic plants**

Planting plants that serve or are known to serve in producing and obtaining the narcotic and psychotropic substances, when, based on law, they are without permission and authorization is punished by imprisonment from three to seven years.

The same act, when committed in cooperation, or more than once, is punished by imprisonment from five to ten years.

Organizing, managing or financing this activity is punishable from seven to fifteen years of imprisonment.

#### **Article 284/a**

##### **Organizing and leading criminal organizations**

Organizing, leading and financing criminal organizations with the goal of cultivating, producing, fabricating or illegal trafficking of the narcotics is punishable by imprisonment of ten up to twenty years.

Creation of conditions or facilities for such activities by persons with state functions is punishable by imprisonment from five to fifteen years.

#### **Article 284/b<sup>13</sup>**

##### **Supporting the disclosure of crimes**

#### **Article 284/c**

##### **Producing and manufacturing narcotic and psychotropic substances**

Producing, manufacturing, extracting, refining, preparing without license or by surpassing the limits of narcotic and psychotropic substances, is punished by imprisonment from five to ten years.

This very act, when committed by accomplices, or more than once, is punished by imprisonment from seven to fifteen years.

Organizing, running, or financing this activity is punished by imprisonment from ten to twenty years.

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<sup>13</sup> Abrogate by law 144/2013

### **Article 284/ç**

#### **Illegal production, trade, and use of precursors**

Illegal production, import, export, transit, trade and holding of precursors (that are included, based on the law, in the pertinent charts/tables) is punished by imprisonment up to five years. This very act, when committed by accomplices, or more than once, is punished by imprisonment from three to seven years.

Organizing, running, or financing this activity is punished by imprisonment from five to fifteen years.

### **Article 285**

#### **Holding, producing, and transporting chemical substances**

Production, holding, transportation or distribution of basic or other kind of chemicals, equipment, materials, if it is known that they are used or will be used to illegally produce or traffic narcotic or psychotropic substances, is punished by imprisonment from three to ten years.

### **Article 285/a**

#### **Adjusting of premises for drugs use**

Adjusting or allowing the adaptation of premises, buildings, vehicles and any other public or private means in order to gather people; so that, they may use narcotic or psychotropic substance, is punished by imprisonment up to five years.

### **Article 285/b**

#### **Throwing away or getting rid of syringes**

Throwing away or leaving behind syringes used for narcotic and psychotropic substances, in public places or sites that are considered open for the public and in private premises, does constitute a criminal contravention and is punished by a fine or imprisonment up to one year.

### **Article 286**

#### **Inducing the use of drugs**

Urging/ other people to use narcotic and psychotropic substances or giving them for use or injecting them to other people without their cognition/knowledge or consent, is punished by imprisonment from five to ten years.

When the inducing or forced injection is conducted upon children or in penitentiary, educational, sport or any other institutions providing social activity, it is punishable not less than fifteen years of imprisonment.

### **Article 286/a**

#### **Illegal use of high technology**

Production and running of systems, equipment, and means of high technology, in cases of criminal acts provided for in the articles 283 until 286/a of this Code, or when this technology is used to facilitate or enable the consumption of narcotic or psychotropic substances, or broadcasting advertisements to promote their use, is punished by imprisonment up to five years.

## **Article 287**

### **Laundering of proceeds of criminal offence or criminal activity**

Laundering of proceeds of criminal offence or criminal activity through:

- a) The conversion or transfer of property, for the purpose of concealing or disguising the illicit origin of the property, knowing that such property is the proceeds of criminal offence or criminal activity;
- b) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of criminal offence or criminal activity;
- c) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of criminal offence or criminal activity;
- ç) Commission of financial actions or divided transactions to avoid reporting according to the legislation on the prevention of money laundering;
- d) Investment in economic or financial activities of money or objects, knowing that they are proceeds of criminal offence or criminal activity;

dh) consultation, assistance, instigation or public call for the commission of each of the offences defined above, shall be punishable by five up to ten years of imprisonment.

If this offence is committed in the course of the exercise of a professional activity, in complicity or more than once, it shall be punishable by a term from seven up to fifteen years of imprisonment.

The same offence, if inflicting serious consequences, shall be punishable by not less than fifteen years of imprisonment.

The provisions of this article shall apply even if:

- a) the criminal offence whose proceeds are laundered, is committed by a person who cannot be taken as a defendant or cannot be sentenced;
  - b) the prosecution for the criminal offence, the proceeds of which are laundered, is prescribed or given amnesty for;
  - c) the person who commits laundering of proceeds is the same with the person who has committed the criminal offence, the proceeds of which are laundered;
  - ç) The criminal offence whose proceeds are laundered, is committed by a person, notwithstanding his citizenship, out of the territory of the Republic of Albania and at the same time it is punishable both in the foreign state and in the Republic of Albania;
- Awareness, purpose or motive required by the first paragraph of this article may be revealed from objective circumstances of the fact;

## **Article 287/a**

### **Opening of the anonymous accounts**

Opening of deposits or bank accounts, anonymously or with fictitious names, is punished by imprisonment of up to three years.

## **Article 287/b**

### **The appropriation of money or goods which derive from the criminal offence or criminal activity**

Whoever purchases, receives, hides or, in any other way, appropriates for himself or a third party, or assists in purchasing, taking, hiding of money or other goods, knowing that another

person has obtained these money or goods, as a result of a criminal offence or criminal activity, shall be punishable by six up to three years of imprisonment.

The first paragraph of this article is applied notwithstanding the legal prohibition regarding the criminal liability of the person who has committed the criminal offence, from which derives the appropriation of money or stolen good.

## **Article 288**

### **Producing and selling foods and other substances dangerous to the health**

Producing, importing, storing or selling foods, drinks and other substances, or drugs which are dangerous or harmful to life or health, as well as introducing chemicals, materials or additive substances into the production and processing of food and drinks, when those acts led to death or serious harm to the health of an individual, is sentenced up to ten years of imprisonment.

When the act has caused death or serious harm to the health of more than one person, it is punishable by no less than five years of imprisonment.

## **Article 288/a**

### **Illegal production of industrial and food items/commodities**

Illegal production of industrial and food items/commodities constitutes a criminal contravention and is punished by a fine or imprisonment up to two years.

This very act, when committed by accomplices, or more than once, or when it brings about serious consequences, is punished by imprisonment from three to ten years.

## **Article 289**

### **Violation of safety rules at work**

Causing death or serious harm to the health of an individual because of intentional disregard of rules related to work, production, service, provided for by laws, acts of the Council of the Ministers or in the pertinent regulations of technical safety, technical discipline, work-related protection, hygiene and fire safety by an individual designated to respect those rules and to implement them, is punishable by a fine or up to ten years of imprisonment.

When the criminal act has caused death or serious harm to the health of more than one person, it is punishable by no less than five years of imprisonment.

## **Article 290**

### **Violation of road traffic regulations**

Violation of road traffic regulations, when it causes minor injuries to more than one person, shall be punishable by a fine or up to one year of imprisonment.

Violation of road traffic regulations, when it causes the serious injury of a person shall be punishable by one to five years of imprisonment.

Violation of road traffic regulations, when it causes the death of a person shall be punishable by two to ten years of imprisonment

When the criminal offence causes the death or serious injury of more than one person, it shall be punishable by five to twenty years of imprisonment.

**Article 291**  
**Irregular driving of vehicles**

Driving automobiles or other motorized vehicles while inebriated, under the effect of narcotics, or without a relevant driving ability certificate, shall be punishable by up to three years of imprisonment.

**Article 292**  
**Violation of working-standards in transportation**

Violation of working-standards in railway, water, or air transportation by transport employees, which has caused death or serious harm to the health of an individual, is punishable by a fine or up to ten years of imprisonment.

When the criminal act has caused death or serious injury to more than one person, it is punishable by no less than five years of imprisonment.

**Article 293**  
**Blocking transport circulation**

Placing obstacles in the way of, or blocking by any means, the movement of any means of transportation, whether automobile, railway, water or air is punishable by a fine or up to three years of imprisonment.

**Article 293/a**  
**Unlawful wiring of computer data**

Unlawful wiring through technical equipment of non-public transmissions of the computer data from/or within a computer system including electromagnetic emissions from one computer system that contains such computer data is punishable by imprisonment from three to seven years.

When this very act is committed from/or within military, national security, public order, civil protection computer systems or in any other computer system of public importance, it is punishable by imprisonment from seven to fifteen years.

**Article 293/b**  
**Interference in computer data**

Unauthorized damaging, distorting, modifying, deleting or suppressing of computer data is punishable with imprisonment from six months to three years.

When this very act is committed on military, national security, public order, civil protection, health computer data or on any other computer data of public importance, it is punishable by imprisonment from three to ten years.

**Article 293/c**  
**Interference in computer systems**

Creating serious and unauthorized obstacles in order to harm the operation of a computer system, through entering, damaging, distorting, modifying, deleting or suppressing the data is punishable by imprisonment from three to seven years.

When this very act is carried out in military, national security, public order, civil protection, health computer systems or in any other computer system of public importance it is punishable by imprisonment from five to fifteen years.

**Article 293/ç**  
**Misuse of equipment**

Manufacturing, keeping, giving for use, disseminating or any other action to place at disposal an equipment including a computer software, computer password, access code or another similar data that have been created or adjusted to access a computer system or a part thereof, aiming to commit a criminal offence envisaged by articles 192/b, 293/a, 293/b and 293/c of this Code is punishable by imprisonment from six months to five years.

**SECTION IV**  
**CRIMINAL ACTS AGAINST STATE SECRETS AND STATE BORDERS**

**Article 294**  
**Exchanging of state secrets by a person entrusted with the information**

Exchanging, divulging, or informing facts, figures, contents of documents or materials which, according to a publicly known law, constitute state secrets, by the person entrusted with it or who became aware of such information because of his capacity, is punishable by a fine or up to five years of imprisonment.

When the same act is committed publicly, it is punishable by a fine or up to ten years of imprisonment.

**Article 295**  
**Exchange of state secrets by citizens**

Exchanging, divulging, or informing facts, figures, contents of documents or materials that, according to a publicly known law, constitute state secrets, by any person who becomes informed of them, is punishable by a fine or up to three years of imprisonment.

When the same act is committed publicly, it is punishable by a fine or up to five years of imprisonment.

**Article 295/a**  
**Divulging of secret documents or data**

Divulging to third parties or assistance in discovering data that the law provides for as secret, by a public official or a person in charge of a public service, contrary to the regular exercise of duties or abusing with official capacities, is punishable by fine or imprisonment up to five years.

Divulging to third parties of data, that constitute industrial or professional commercial secret, by public persons that have the duty to preserve them, is punishable by fine or imprisonment up to three years.

Divulging of secret document or data contained in secret documents by the prosecutor of the judicial police officer, as well as the failure to comply with the obligations defined in article 103 of the Criminal Procedure Code, is punishable by imprisonment from one up to five years.

Divulging of secret documents or data contained in secret documents by other persons that have information about a criminal proceeding and are warned by the prosecutor or the judicial police officer on the obligation not to divulge information, is punishable by imprisonment up to three years.

Divulging of secret data related to the identity, collaboration or protection process, or location of witnesses and justice collaborators, who benefit special protection according to legislation in force, and is punishable by imprisonment from two to six years.

Divulging of a secret that resulted in death, serious injury or serious danger to life and health of witnesses or justice collaborators, their family members or police officers in charge of their protection, and is punishable by imprisonment from three up to eight years.

#### **Article 295/b**

##### **Illegal utilization of trade information**

Marketing of goods or provision of services through utilization of information and data which constitute trade secrets or preferential information by persons who have or should have such information or data, is sentenced by fines or by imprisonment up to four years.

#### **Article 296**

##### **Loss of secret documents**

Loss of documents or other materials, which, according to a publicly known law, constitute state secrets, by the person in charge of their protection and use, is punishable by a fine or up to three years of imprisonment.

#### **Article 297**

##### **Illegally crossing state border**

Illegally crossing the state borders constitutes a criminal contravention and is punishable by a fine or up to two years of imprisonment and.

#### **Article 298**

##### **Assistance for illegal crossing of borders**

Sheltering, accompanying, putting at the disposition or use of means of sea transport, air transport or other means of transport, with the purpose of assisting in the illegal crossing of the border of the Republic of Albania or in the illegal entrance of a person in another country without being its citizen or without residence permit for that country, and is punished with imprisonment of from one to four years and with a fine of from three to six million Lek.

When the assistance is given for purposes of profit, it is punished with imprisonment of from three to seven years.

When this crime is committed in collaboration or more than once or has brought serious consequences, it is punished with imprisonment of from five to ten years.

When the crime has brought the death of the victim as a consequence, it is punished with imprisonment of no less than fifteen years or with life imprisonment.

When the criminal crime is committed through the utilization of a state function or public service, the punishment of imprisonment and the fines are increased by one fourth of the punishment given.

#### **Article 299**

##### **Breach of flight rules**

Breach of international flight rules such as entering or leaving the territory of the Republic of Albania without a flight permit, ignoring flight lanes, landing places, flight corridors or designated flying altitude, is punishable by a fine or up to five years of imprisonment.

## **CHAPTER IX CRIMINAL ACTS AGAINST JUSTICE**

### **Article 300**

#### **Failure to report a crime**

Failure to report a crime that is in the process of being committed or which has been committed, to the organs of criminal prosecution, to the court, to the organs of public order, [or to the appropriate] authorities or administration, is punishable by a fine or up to three years of imprisonment.

Linear ascendants and offspring, brothers and sisters, spouses, adoptive parents and adopted children, as well as persons obliged to keep secrecy because of their capacity or profession, are excluded from the obligation to report.

### **Article 301**

#### **Obstruction of justice**

Committing actions to change the scene where a criminal act was committed by spoiling, changing or removing traces or by moving, hiding, annihilating, stealing, falsifying an item or document with the intent of increasing the difficulty on preventing the discovery of a criminal act and its perpetrator, is punishable by a fine or up to three years of imprisonment.

### **Article 302**

#### **Harboring a fugitive**

Supplying the perpetrator of a crime with food, other means of living, or providing him housing, lodging or with any other assistance with the intent of preventing his discovery from search, apprehension or arrest, is punishable by a fine or up to five years of imprisonment.

The same crime when committed in association to criminal crimes provided in articles 73, 74, 75, 79, 219, 220, 221, 230, 230/a, 230/b, 231, 232, 232/a, 234/a, 234/b, 284/a, 333, 333/a, of this Code, it is punished with imprisonment for a term of from two to seven years.

Linear ascendants and offspring, brothers and sisters, spouses, adoptive parents and adopted children are excluded from criminal responsibility.

### **Article 303**

#### **Hiding or disposal a corpse**

Hiding or disposing the corpse of a murder victim, or other violent act, committed with the intent of assisting the executor of the crime to evade from a search, apprehension and arrest, is punishable by a fine or up to five years of imprisonment.

### **Article 304**

#### **Obligation to report the evidence**

Failing to appear promptly to report or testify before the prosecutor, court or organs of public order about evidence that a person knows which exculpates an accused or convicted person from a criminal act, is punishable by a fine or up to five years of imprisonment.

The perpetrator of the criminal act, as well as the individuals who become aware of the evidence because of their capacity and profession and due to this reason are compelled not to report or testify, are excluded from the obligation to report.

### **Article 305** **False report**

Falsely reporting a crime that has not been committed, or falsely reporting a person who is known that has not committed a crime, as well as fabricating false evidence with the intent of commencing criminal prosecution, is punishable by a fine or up to five years of imprisonment.

### **Article 305/a** **False declarations before the prosecutor**

Whoever that, during investigations or criminal proceedings, is interrogated by a prosecutor to give appropriate information on the investigation, gives oral or written information knowing that this information is, completely or partially, false or hides facts or evidence is punished by fine or imprisonment up to one year.

The provisions of this article are not applicable if the fact was committed at any stage of the criminal proceeding by a suspect or defendant for the criminal act or by a person that should have been exempted by the requirement to give information or testimony for any legal ground, or by a person that was not warned for the right not to testify or answer questions.

### **Article 305/b** **False declarations before the judicial police officer**

Whoever that, during an investigation is interrogated by a judicial police officer to provide appropriate information, gives verbal or written information knowing that this information is completely or partially false, or hides facts or evidence, commits a criminal contravention and is punished by fine or imprisonment of up to six months.

The provisions of this article are not applicable if the fact was committed at any stage of the criminal proceeding by a suspect or defendant for the criminal act or by a person that should have been exempted by the requirement to give information or testimony for any legal ground, or who was not warned for the right not to testify or to answer questions.

### **Article 306** **Perjury**

Perjury in front of the court constitutes a penal contravention and is punished by a fine or imprisonment up to two years.

When false testimony is given for purposes of profit or any other interest given or promised, it is punishable by a fine or up to three years of imprisonment.

When this crime is committed in relation to criminal crimes provided by articles 234/a, 234/b, 284/a, 333, 333/a, of this Code, it is punished with imprisonment for a term of two to six years.

**Article 307**  
**Refusing to testify**

Refusing to answer questions concerning knowledge of a criminal act or its executor, constitutes criminal contravention and is punishable by a fine or up to one year of imprisonment.

When false testimony is made for embezzlement or any other interest given or promised, it is punishable by imprisonment from one up to four years.

The provisions of this article are not applicable if the fact was committed at any stage of the criminal proceeding by a suspect or defendant for the criminal act or by a person that should have been exempted by the requirement to give information or testimony for any legal ground, or by a person that was not warned for the right not to testify or to answer questions.

**Article 308**  
**False translation**

Intentional distortion of the content of a document or writing offered for translation by the organs of criminal prosecution or by the court, or false translation committed in front of them constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

When refusal to testify is made for embezzlement or any other interest given or promised, it is punishable by a fine or up to three years of imprisonment.

**Article 309**  
**False expertise**

Intentional provision of false results of reports conducted by an expert, in writing or verbally before organs of criminal prosecution or before the court is punishable by a fine or up to three years of imprisonment.

When false expertise is provided for embezzlement or any other interest given or promised, it is punishable by a fine or up to five years of imprisonment.

**Article 310**  
**Refusing to appear as a witness, expert or translator**

Refusing to appear as a witness, expert or translator, without reasonable cause, or refusal to carry out duties assigned by the organ of criminal prosecution or the court, constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

**Article 311**  
**Intimidation not to refer**

Intimidation made to the aggrieved from the criminal act, in order for him not to report the act or not to complain or to withdraw the report or complaint made, and is punishable by imprisonment from one up to four years.

**Article 312**  
**Active corruption of the witness, expert or interpreter**

Direct or indirect proposal, offer, or giving to a witness, expert or translator any irregular benefit for himself or a third party in order to secure false declarations or testimony, expertise or translation or to reject carrying out their obligation to the criminal prosecution bodies and the court is punished with a prison term of up to four years.

#### **Article 312/a**

##### **Intimidation to issue false statements, testimonies, expertise or interpretation**

Intimidation or other violent acts to a person to secure false declarations or testimony, expertise or translation or to reject carrying out their obligation to the criminal prosecution bodies and the court is punished with a prison term of one up to four years.

#### **Article 313**

##### **Unlawful criminal prosecution commencing**

Unlawfully commencing criminal prosecution by the prosecutor against a person who is known to be innocent is punishable by a fine or up to five years of imprisonment.

#### **Article 313/a**

##### **File's disappearance or loss**

Any disappearance or loss of a file dealing with the investigation or judgment, or removing part of documents, or other data attached to them, when they brought about serious consequences harming residents' or state's interests, is punished by a fine or imprisonment up to five years.

#### **Article 313/b**

##### **Prohibition on providing and publishing data contrary to the law**

1. Making public, in media as well, information of a classified and confidential nature, contrary to law, endangering the life, physical integration or the liberty of persons protected by law no. 9205 dated 15.03.2004 "On Protection of witnesses and justice collaborators is punished with a fine or with imprisonment of up to two years of time, and when serious consequences to their health have come about, with an imprisonment term of six months up to three years.
2. When this crime is committed by one of the persons who are under the liability to maintain the classified and confidential nature of the information, is punished with fine or imprisonment for a term of up to three years and, when serious consequences to their health have come about, with an imprisonment term of two to five years.
3. When the crime has caused the death as a consequence, it is punished with imprisonment from three to ten years.

#### **Article 314**

##### **Use of violence during investigation**

Use of violence by the person in charge of an investigation to force a citizen to make a statement, give testimony or confess his guilt or someone else's, is punishable by three to ten years of imprisonment.

**Article 315**  
**Unfair sentencing**

Giving a conclusive court sentence that is known to be unfair is punishable by three to ten years of imprisonment.

**Article 316**  
**Opposing and assaulting a judge**

Violently opposing, assaulting or committing other violent acts against a judge or other members of the trial panel, a prosecutor, defence lawyer, experts, any arbitrator assigned to a case, with the intent to prevent him from carrying out his duty or because of it, is punishable by a fine or up to seven years of imprisonment.

**Article 317**  
**Threat to a judge**

A threat to a judge, other members of trial panel, prosecutor, defence lawyer, experts, or every arbitrator assigned to a case because of their activity, is punishable by a fine or up to three years of imprisonment.

**Article 318**  
**Insult of the judge**

Insult of the judge or any member of the adjudicating body, prosecutor, advocate or member of the arbitrator, due to their activity in a case, constitutes penal misdemeanour and is punished by fines or by imprisonment up to three months.

**Article 319**  
**Active corruption of judges, prosecutors and other officials of the justice bodies/system**

Direct or indirect promising, proposition or issuing of any irregular profit, for himself or a third party, to a judge, prosecutor or any other employee of the judicial bodies in order to act or not act, regarding their duty, is punished with a prison term of one to four years.

**Article 319/a**  
**Active corruption of the judge or official of international court**

Promise, proposal or provision, directly or indirectly, of any kind of irregular benefit, for oneself or for other persons, to the judge or to official of international courts, for accomplishment or non-accomplishment of an action, related to his duty or function, is sentenced by imprisonment from one up to four years.

**Article 319/b**  
**Active corruption of foreign and domestic arbiters**

Promise, proposal or provision, directly or indirectly, of whatever irregular benefit for oneself or for other persons, to domestic or foreign arbiter, for accomplishment or non-

accomplishment of an action, which is related to his duty or function, is sentenced by imprisonment from one up to four years.

#### **Article 319/c**

##### **Active corruption of members of foreign judicial juries**

Promise, proposal or provision, directly or indirectly, of whatever irregular benefit for oneself or for other persons, to members of foreign judicial juries, for accomplishment or non-accomplishment of an action, which is related to their duties or functions, is sentenced by imprisonment from one up to four years.

#### **Article 319/ç**

##### **The passive corruption of the judges, prosecutors and other officials of the justice bodies/system**

Direct or indirect soliciting or taking, by a judge, prosecutor, or other employees of the judicial bodies, of any irregular benefit or any such offer for himself or a third person, or accepting an offer or promise deriving from an irregular benefit in order to act or not act, regarding their duty, is punished with a prison term of three up to ten years.

#### **Article 319/d**

##### **Passive corruption of the judge or of official of international courts**

Request or possession, directly or indirectly, of whatever irregular benefit or suchlike benefit, for oneself or for other persons, or acceptance of an offer or promise derived from irregular benefits, by the judge or official of an international court, for accomplishment or non-accomplishment of an action, which is related to his duty or function, is sentenced by imprisonment from three up to ten years.

#### **Article 319/dh**

##### **Passive corruption of domestic or foreign arbiters**

Request or possession, directly or indirectly, of whatever irregular benefit or suchlike benefit, for oneself or for other persons, or acceptance of an offer or promise derived from irregular benefits, by a domestic or foreign arbiter, for accomplishment or non-accomplishment of an action, which is related to his duty or function, is sentenced by imprisonment from two up to eight years.

#### **Article 319/e**

##### **Passive corruption of a member of foreign judicial juries**

Request or possession, directly or indirectly, of whatever irregular benefit or suchlike benefit, for oneself or for other persons, or acceptance of an offer or promise derived from irregular benefits, by a member of foreign judicial juries, for accomplishment or non-accomplishment of an action, which is related to his duty or function, is sentenced by imprisonment from two up to eight years.

#### **Article 320**

##### **Preventing the enforcement of court decisions**

Hiding, altering, using, damaging or destroying the possessions which have been the subject of a court decision, or carrying out other acts with the intent to not execute or impede the enforcement of the court's decision, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

#### **Article 320/a**

##### **The failure to execute the court decision without grounded reasons**

The failure to execute the criminal or civil decision of the court, with no ground reasons, by the employee charged with the execution of the decisions, constitutes a criminal contravention and is punished by a fine or imprisonment up to two years.

When this act is committed in order to obtain/solicit benefits or any other interests, given or promised, and when it favors persons that are interested not to see the decision being executed, is punished by a fine or imprisonment up to three years.

#### **Article 321**

##### **Acts opposing court's decision**

Committing acts that oppose a court's decision about obligations arising from additional punishment ordered by it, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

Accomplishment of actions contrary to court decisions, related to duties derived from orders of defence delivered by it, constitutes penal misdemeanour and is sentenced by imprisonment up to two years.

#### **Article 322**

##### **Destruction of seals and signs**

Intentional destruction of seals and other signs placed on different objects by the organs of criminal prosecution and judiciary constitutes criminal contravention and is punishable by a fine or up to six months of imprisonment.

#### **Article 323**

##### **Escape of the convicted from the place of detention**

Escape of a person under arrest, custody, or of a person sentenced to imprisonment from the place of (mandatory) detention or during his transportation from one place to the other, is sentenced up to five years of imprisonment.

When the criminal act is committed violently or through the use of firearms, inflammable materials, explosives or poisonous materials, it is punishable by five to fifteen years of imprisonment.

#### **Article 324**

##### **Assisting a fugitive**

Providing advice, information, [or] assistance to a person who is under arrest, held in custody, or convicted to imprisonment, with the intention of assisting him to escape from the place of mandatory detention, is punishable by a fine or up to three years of imprisonment.

When the assistance is given by a person in charge of guarding, supervising or transporting, or who, because of his capacity has the right to enter in penitentiary institutions or to make

contact with persons, who are under arrest, held in custody, or convicted to imprisonment, it is punishable by five to ten years of imprisonment.

## **CHAPTER X CRIMINAL ACTS AFFECTING FREE ELECTIONS AND THE DEMOCRATIC SYSTEM OF ELECTIONS**

### **Article 325**

#### **Obstruction of election subjects**

Obstruction by threat, violence or by any other means of election subjects or of candidates for carrying out their activities in compliance with law during election campaigns, is sentenced by imprisonment from three months up to three years.

### **Article 326**

#### **Counterfeit of election materials and election results**

Counterfeit, distribution and use of ballot papers, election documents and materials for the purpose of altering election results by presenting on them data which are known to be inaccurate, replacement of accurate data with false data, or casting illegally voting papers into ballot box, is sentenced by imprisonment from one up to five years. The same offense, committed by persons who are responsible to administer the voting process, or have caused severe consequences for the progress of voting process, have attacked the integrity of election results or have caused their invalidity, is sentenced by imprisonment from three up to seven years.

### **Article 326/a**

#### **Deliberate damage of election materials**

Damage, delete, destroy, deliberately, or replacement, contrary to law, of equipment, stamps, security codes or any other kind of election material determined by law, is sentenced by imprisonment from six months up to five years. The same penal offenses committed by persons responsible for administration of election, or in cooperation, or more than once, or have caused severe consequences of election progress, or have caused their invalidity, or have attacked the results of the voting process, is sentenced by imprisonment from three up to eight years.

### **Article 327**

#### **Breach of voting secrecy**

Breach of rules, which guarantee voting secrecy, by persons who are responsible to deal with election process, constitutes penal misdemeanour and is sentenced by imprisonment from three months up to two years.

### **Article 327/a**

#### **Voting more than once or unidentified**

Voting more than once in the same election, voting for other persons, submitting false identification documents, or using documents of other electors, is sentenced by imprisonment from one up to three years.

Allowing deliberately the commitment of this penal offense by election commissioners is sentenced by imprisonment from one up to five years.

Deliberate allowance by election commissioners of the voting process without carrying out, in compliance with law, identification of persons, constitutes penal offense and is sentenced by imprisonment from three months up to one year.

### **Article 328**

#### **Provision of remunerations and promises**

Offering or provision of money or material goods, making promise for jobs or for other advantages in whatever form, for the purpose of receiving the signature for the submitting the candidate, for voting in a certain way, or for participating or not in voting process, constitutes penal misdemeanour and is sentenced by imprisonment from six months up to two years.

Acceptance of money, material goods, promises and other advantages against the accomplishment of above-mentioned actions, constitutes penal misdemeanour and is sentenced by fines.

### **Article 328/a**

#### **Compulsion of participating in political activities**

Imposition of nationals, dependent on administration, against their will, or under threat of use of administrative measures, for participation of election subject in election activities, constitutes penal misdemeanour and is sentenced by fines or imprisonment up to six months.

Compulsion or arrangements for participation, in electoral activities, of election subject of pupils of preuniversity education by employees carrying out state responsibilities in public education, or duties or functions in non-public education, constitutes penal misdemeanour and is sentenced by imprisonment from three months up to one year.

### **Article 329**

#### **Threat or violation of electors**

Threat inflicted on electors for voting in certain ways, or for participating or not in voting process, constitutes a penal misdemeanour and is sentenced by imprisonment from three months up to two years. Threat or the use of violence inflicted on a commissioner, monitor, vote counter and also against any other official responsible for election process, in order to hinder him in carrying out his duty, or due to his activity in election administration, is sentenced by imprisonment from one up to five years.

### **Article 330**

#### **Obstruction of electors**

Obstruction of electors for voting in their polling stations, by violation of voting rules, by damage or seizure of their identification documents, or by any other way, is sentenced by imprisonment from six months up to one year. When this offense is committed more than once, against more than one elector, or when committed by election commissioners, is sentenced by imprisonment from one up to five years.

### **Article 330/a**

#### **Abandonment of the duty by members of election commissions**

Abandonment of the duty or refusal to carry out the duty by persons responsible for administration of voting process and for counting votes, constitute penal misdemeanour and is sentenced by imprisonment from six months up to two years. When above-mentioned acts are committed accompanied with seizure or eradication of election materials, when they have caused severe consequences on the voting process or have led to invalidity of election process, is sentenced by imprisonment from two up to five years.

**Article 331**  
**Violation of the right to election**

Deliberate exclusion from polling lists of persons that are entitled to election or deliberate registration in these lists of persons that are not entitled to election, is sentenced by imprisonment from one up to five years. The same offense committed in cooperation, when it has caused severe consequences for the interests of electors or for the progress of the voting process, is sentenced by imprisonment from two up to five years.

**Article 332**  
**Abuse of military authority**

Abuse of military authority by a military official of any rank in order to influence the voting of the other military members under his command, through orders, advice or any other propaganda, constitutes criminal contravention and is punishable by a fine or up to two years of imprisonment.

**CHAPTER XI**  
**CRIMINAL ACTS COMMITTED BY AN ARMED GANG OR CRIMINAL ORGANIZATION**

**Article 333**  
**Criminal organizations**

The establishment, organization or leading of the criminal organizations is sentenced with imprisonment of five to fifteen years.

Participation [only] in a criminal organization is punished with imprisonment for a term of from four to eight years

If the criminal organization is armed and its members possess weapons, explosive materials for the purpose of fulfilling its criminal activity, even if they are hidden or kept in special places, the imprisonment sentence is added with one third.

If the economic activity which the members of the criminal organization aim to undertake or to keep under control, is financed in whole or part with proceeds of criminal crimes, the measure of sentence according to the above-mentioned paragraphs in this article is increased by one third to one half.

**Article 333/a**  
**The structured criminal group**

The establishment, the organization or the leading of a structured criminal group with the purpose of committing crimes, is sentenced with imprisonment for a term of from three to eight years.

Participation in the structured criminal group is punished with imprisonment for a term of from two to five years.

#### **Article 334**

##### **Committal of criminal crimes by criminal organization and structured criminal group**

I. Committal of criminal crimes by the members of the criminal organization and structured criminal group is sentenced according to the respective criminal provisions by augmenting the sentence for the crime committed with five years of imprisonment, as well as the fine in the measure of one third but without exceeding the maximum limit of the imprisonment sentence.

II. When the respective criminal provision contains imprisonment or life imprisonment, it is punishable by twenty-five years of imprisonment or to life imprisonment.

III. When the respective referring criminal provision contains life imprisonment, it is punishable by life imprisonment.

#### **Article 334/1**

Regardless of article 278, from the criminal prosecution for illegal weapon and munitions carrying, are excluded the persons who, in accordance with the legislation in power, will voluntarily hand over the weapons till 5.31.2005.

In any case, are not excluded from the criminal prosecution for arm bearing without permission, the persons that have committed a criminal crime, using military weapons and munitions as a tool for this purpose.

There are not excluded from the criminal prosecution the persons who, after this law comes into force, declare that they do not bear military weapons or munitions and from controls exercised in accordance with the respective provisions of the Criminal Procedure Code, were found hidden weapons and munitions.

#### **Article 335**

The code enters into force on June 1, 1995. Any abrogated legal acts as well as the effects of this code and the way it will enter into force, shall be designated by a separate law.

#### **SPEAKER OF THE PARLIAMENT**

Pjetër Arbnori