Act C of 2012
on the Criminal Code

The National Assembly,

with a view to protecting the inviolable and inalienable fundamental rights of human beings, as well as the independence, territorial integrity, economy and national assets of the country,

taking into account the obligations of Hungary under international and European Union law,

for the purpose of exerting the State's exclusive criminal jurisdiction,

adopts the following Act:

GENERAL PART

CHAPTER I

FUNDAMENTAL PROVISIONS

Principle of legality

Section 1 (1) The criminal liability of the perpetrator shall be established only for an act which was punishable under an Act at the time of commission, except for acts punishable under the generally recognised rules of international law.

(2) No penalty shall be imposed and no measure shall be applied due to committing a criminal offence if it was not provided for by an Act at the time of commission or, if section 2 (2) is applied, of adjudication.

CHAPTER II

HUNGARIAN CRIMINAL JURISDICTION

Temporal scope

Section 2 (1) A criminal offence shall be adjudicated under the criminal law in force at the time of commission, with the exceptions specified in paragraphs (2) to (3).

(2) If an act is not a criminal offence under the new criminal law in force at the time of adjudicating the act, or is to be adjudged more leniently, the new criminal law shall apply.

(3) The new criminal law shall apply retroactively for adjudicating an act punishable under the generally recognised rules of international law if the act was not punishable under the Hungarian criminal law at the time of commission.

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Territorial and personal scope

Section 3 (1) Hungarian criminal law shall apply to

a) criminal offences committed in Hungary,

b) criminal offences committed on vessels flying the flag of Hungary, or on aircrafts flying the flag of Hungary, being outside the territory of Hungary,

c) acts committed by Hungarian nationals abroad if the act constitutes a criminal offence under Hungarian law.

(2) Hungarian criminal law shall apply to

a) acts committed by persons other than Hungarian nationals abroad if the act

aa) constitutes a criminal offence under Hungarian law and is also punishable under the law of the place where it was committed,

ab) is a criminal offence against the State, except for espionage against allied armed forces and espionage against the institutions of the European Union, whether or not the act is punishable under the law applicable to the locality where it was committed,

ac) is a criminal offence defined in Chapter XIII or XIV, or any other criminal offence to be prosecuted under an international treaty promulgated in an Act,

b) acts committed by persons other than Hungarian nationals abroad against a Hungarian national, or a legal person or other legal entity without legal personality established under Hungarian law, which are punishable under the Hungarian law.

(3) In the cases specified in paragraph (2), the criminal proceedings shall be launched by the Prosecutor General.

CHAPTER III

CRIMINAL LIABILITY

Criminal offence

Section 4 (1) A criminal offence shall mean an act committed intentionally or, where negligent commission is punishable under this Act, negligently which is a danger to society and is subject to punishment under this Act.

(2) An activity or omission shall constitute an act that is dangerous to society if it harms or endangers the person or rights of others or the social, economic or state order of Hungary as laid down by the Fundamental Law.

Section 5 A criminal offence shall be a felony or a misdemeanour. A felony shall mean an intentional criminal offence which is punishable by a penalty of over two years of imprisonment under this Act, and any other criminal offence shall constitute a misdemeanour.

Concurrence of criminal offences and continuous criminal offences

Section 6 (1) Concurrence of criminal offences means that one or more acts by the perpetrator constitute more than one criminal offence, and they are adjudicated in a single proceeding.

(2) If the perpetrator commits a criminal offence of the same kind against the same aggrieved party with the same determination multiple times at short intervals, it shall constitute a continuous criminal offence instead of concurrence.

(3) If multiple acts or a permanent act by the perpetrator constitute a single criminal offence, or multiple criminal offences by the perpetrator constitute a single criminal offence pursuant to a provision of this Act, and the perpetrator is indicted of this criminal offence, then a further criminal offence of the same kind committed by the perpetrator after the indictment shall be adjudicated as a separate criminal offence.

Intent

Section 7 A criminal offence shall be considered intentional if the perpetrator desired or accepted the consequences of his act.

Negligence

Section 8 A criminal offence shall be considered negligent if the perpetrator foresees the possible consequences of his act but recklessly trusts that they would not take place, or if he cannot foresee the possible consequences of his act because he fails to exercise the care or circumspection expected of him.

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Liability for result as a qualifying circumstance

Section 9 The more severe legal consequences attached to the result of a criminal offence, as a qualifying circumstance, shall only be applied if the perpetrator was at least negligent regarding the result.

Attempt

Section 10 (1) A person shall be punishable for attempt if he commenced but did not complete the commission of an intentional criminal offence.

(2) An attempt shall be subject to the same penalty range as the completed criminal offence.

(3) The punishment may be reduced without limitation or dispensed with if the attempt was made on an unsuitable object, with an unsuitable instrument, or in an unsuitable manner.

(4) A person shall not be liable to punishment for attempt if

a) the criminal offence is not completed due to his voluntary abandonment, or

b) he voluntarily averts the occurrence of the result.

(5) If, in a case specified in paragraph (4), the attempt constitutes a criminal offence in and of itself, the perpetrator shall be punished for that criminal offence.

Preparation

Section 11 (1) If specifically required by this Act, a person shall be punishable for preparation if, for the purpose of committing a criminal offence, he provides the conditions necessary for it or facilitating it, or invites, offers or undertakes to commit, or agrees to commit jointly, the criminal offence.

(2) A person shall not be liable to punishment for preparation if

a) the commission of the criminal offence is not commenced due to his voluntary abandonment, or

b) he withdraws his earlier invitation, offer, or undertaking in order to avert commission, or seeks to have the other participants abandon the commission, provided that the commission of the criminal offence is not commenced for any reason, or

c) he reports the preparation to the authority before the commission of the criminal offence is commenced.

(3) If, in a case specified in paragraph (2), the preparation constitutes a criminal offence in and of itself, the perpetrator shall be punished for that criminal offence.

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The perpetrator

Section 12 Offenders, indirect offenders, and joint offenders (hereinafter jointly the "offenders"), and instigators and abettors (hereinafter jointly the "accessories") shall be the perpetrators.

Section 13 (1) Offender means a person who fulfils the statutory elements of a criminal offence.

(2) Indirect offender means a person who fulfils the statutory elements of an intentional criminal offence by using a person who is not liable to punishment for this act due to infancy, mental disorder, coercion or threat, or is in error.

(3) Joint offenders mean persons who fulfil the statutory elements of an intentional criminal offence jointly and with knowledge of the activities of each other.

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Section 14 (1) Instigator means a person who intentionally induces another person to commit a criminal offence.

(2) Abettor means a person who intentionally provides assistance for the commission of a criminal offence.

(3) Accessories shall be subject to the same penalty range as offenders.

CHAPTER IV

REASONS FOR EXCLUDING OR LIMITING LIABILITY TO PUNISHMENT

Section 15 The perpetrator's liability to punishment or the punishability of an act shall be excluded or limited by the following:

a) infancy,
b) mental disorder,
c) coercion or threat,
d) error,
e) justifiable defence,
f) necessity,
g) permission by law,
h) any other reason specified in an Act.

Infancy

Section 16 A person shall not be liable to punishment if he has not attained the age of fourteen years when committing the punishable act, except for

a) homicide [section 160 (1) to (2)],
b) homicide in the heat of passion (section 161),
c) causing bodily harm [section 164 (8)],
d) violence against a public officer [section 310 (1) to (3)],
e) violence against a person performing public duties [section 311, provided that it qualifies under section 310 (1) to (3)],
f) violence against a person assisting a public officer or a person performing public duties [section 312, provided that it qualifies under section 310 (1) to (3)],
g) terrorist act [section 314 (1) to (2)],
h) robbery [section 365 (1) to (4)], or
i) robbery of a vulnerable person [section 366 (2) to (3)],

provided that the perpetrator has attained the age of twelve years when committing the criminal offence, and he possessed the faculties required to recognise the consequences of the criminal offence at the time of commission.

Mental disorder

Section 17 (1) A person shall not be liable to punishment if he commits the punishable act in a state of mental disorder that renders him unable to recognise the consequences of his act or to act according to such recognition.

(2) The punishment may be reduced without limitation if his mental disorder limits the ability of the perpetrator to recognise the consequences of his act or to act according to such recognition.

Section 18 Section 17 shall not apply to a person who commits a criminal offence in a drunken or otherwise intoxicated state induced due to his own fault.

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Coercion and threat

Section 19 (1) A person shall not be liable to punishment if he commits a punishable act under coercion or threat which prevents him from acting in line with his own will.

(2) The punishment may be reduced without limitation if the coercion or threat limits the ability of the perpetrator of a criminal offence to act in line with his own will.

Error

Section 20 (1) A perpetrator shall not be liable to punishment for a fact of which he was not aware at the time of commission.

(2) A person shall not be liable to punishment if he commits a punishable act under the false assumption that the act is not a danger to society, and he has a reasonable ground for this assumption.

(3) Liability to punishment shall not be excluded by error if the error is due to negligence, and negligent commission is punishable under this Act.

Justifiable defence

Section 21 A person's act shall not be punishable if he harms an illegal attacker using a means of defence that is not capable of killing a person, installed for the purpose of preventing illegal attacks against his own person or property, or that of other persons, provided that the defending person took all measures which can be expected of him under the circumstances, to prevent that harm be caused by the installed means of defence.

Section 22 (1) A person's act shall not be punishable if it is necessary to avert an actual or imminent illegal attack against his own person or property or that of another person or persons, or against the interest of the public.

(2) An illegal attack shall be deemed to be directed against the life of the defending person if

a) it is committed against a person

aa) at night,

ab) with a weapon,

ac) with an instrument capable of causing death, or

ad) by a group,

b) a home is entered illegally

ba) at night,

bb) with a weapon,

bc) with an instrument capable of causing death, or

bd) by a group, or

c) a fenced area of a home is entered illegally and with a weapon.

(3) A person shall not be liable to punishment if he exceeds the necessary extent of averting due to fright or excusable excitement.

(4) A person under attack shall not be required to escape from the illegal attack.

Necessity

Section 23 (1) A person's act shall not be punishable if he saves his own person or property, or that of another person from an imminent danger that cannot be averted by any other means, or if he acts to protect the interest of the public, provided that his action does not cause any harm greater than what he sought to avert.

(2) A person shall not be liable to punishment for causing harm greater than what he sought to avert if he did not recognise the scale of the harm due to his fright or excusable excitement.

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(3) Necessity shall not be taken into account to the benefit of a person who is at fault in causing the danger, or who is obliged to take the risk of danger by virtue of his profession.

Permission by law

Section 24 An act shall not be punishable if it is permitted, or is declared to be without punishment, by law.

CHAPTER V

REASONS FOR TERMINATING LIABILITY TO PUNISHMENT

Section 25 Liability to punishment shall be terminated by
a) the death of the perpetrator,
b) statute of limitations,
c) pardon,
d) active repentance,
e) another reason specified in an Act.

Statute of limitations regarding liability to punishment

Section 26 (1) With the exceptions specified in paragraphs (2) to (3) and unless otherwise provided in the Act excluding the statute of limitations for certain criminal offences, liability to punishment shall become statute-barred after a period corresponding to the maximum of the penalty range, but at least after five years.

(2) For criminal offences specified in Chapter XXVII, liability to punishment shall become statute-barred after twelve years.

(3) Liability to punishment shall not become statute-barred for criminal offences
a) specified in Chapters XIII and XIV,
b) that may be punished also by life imprisonment, and
c) of sexual coercion [section 196 (2) a) and (3)], sexual violence [section 197 (2), (3) a) and (4) to (4a)], sexual abuse (section 198), procuring [section 200 (2), (3a) b) and (4) a)], facilitating prostitution [section 201 (2) and (4) b)], exploitation of child prostitution (section 203), child pornography [section 204 (1) to (4) and (6) and section 204/A] and indecent exposure [section 205 (2)] committed against a person who has not attained the age of eighteen years if the perpetrator had attained the age of eighteen years when the criminal offence was committed.

Section 27 The first day of the limitation period shall be
a) for a completed criminal offence, the day when the statutory elements are fulfilled,
b) for an attempt and preparation, the day when the act constituting the attempt or preparation is finished,
c) for a criminal offence that is committed solely by failing to perform an obligation, the day when the perpetrator could still perform his obligation without any consequence under this Act,
d) for a criminal offence that is committed by maintaining an illegal state of affairs, the day when this state of affairs terminates.

Section 28 (1) The limitation period shall be interrupted if the court, prosecution service, investigating authority, or, in a case with an international dimension, the minister responsible for justice or a foreign authority takes any criminal procedural act against the perpetrator due to the criminal offence. The limitation period shall start again on the day of interruption.

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(1a) If the aggrieved party of homicide in the heat of passion, of intentionally causing grievous bodily harm if punishable by more than three years of imprisonment, of kidnapping, of trafficking in human beings and forced labour, of violation of personal freedom, or, with the exception specified in section 26 (3) c), of a criminal offence against the freedom of sexual life and sexual morality had not yet attained the age of eighteen years when the criminal offence was committed, the limitation period shall not include the period left until the aggrieved party attains or would have attained the age of twenty-one years.

(2) If criminal proceedings are suspended, the limitation period shall not include the period of suspension. This provision shall not apply if criminal proceedings are suspended because the perpetrator could not be identified during the investigation, his whereabouts are unknown or he became affected by a mental disorder, or if the whereabouts of the defendant at liberty abroad are known and criminal proceedings cannot be conducted in his absence.

(3) The limitation period shall not include any period during which criminal proceedings could not have been commenced or continued due to immunity arising from public office, because the immunity based on an Act was not lifted by the entity authorised to decide on the matter. This provision shall not apply to criminal offences punishable on the basis of a private motion, where a private prosecuting party represents prosecution.

(4) The limitation period shall not include the probation period if release on probation is ordered, and the period of reparation work.

Active repentance

Section 29 (1) A person shall not be liable to punishment if he confessed to the commission of a misdemeanour, or a felony punishable by not more than three years of imprisonment, against life, physical integrity and health, human freedom, human dignity and certain fundamental rights, property or intellectual property, or of a traffic-related misdemeanour or felony punishable by not more than three years of imprisonment before being indicted, and made reparation for the harm caused by the criminal offence in a manner and to the extent accepted by the aggrieved party in the course of a mediation procedure, or prior to a mediation procedure but as approved by the agreement concluded during the mediation procedure. This provision shall also apply if the criminal offence committed against life, physical integrity and health, human freedom, human dignity and certain fundamental rights, property or intellectual property, or the traffic-related criminal offence, is the dominant criminal offence of those constituting concurrence.

(2) The punishment may be reduced without limitation if, for criminal offences specified in paragraph (1), the perpetrator confessed to the commission of a felony punishable by not more than five years of imprisonment before being indicted, and made reparation for the harm caused by the criminal offence in a manner and to the extent accepted by the aggrieved party in the course of a mediation procedure, or prior to a mediation procedure but as approved by the agreement concluded during the mediation procedure. This provision shall also apply if the criminal offence committed against life, physical integrity and health, human freedom, human dignity and certain fundamental rights, property or intellectual property, or the traffic-related criminal offence, is the dominant criminal offence of those constituting concurrence.

(3) Paragraphs (1) to (2) shall not apply if

a) the perpetrator is a multiple or special recidivist,

b) the perpetrator committed the criminal offence in a criminal organisation,

c) the criminal offence caused death,

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d) the perpetrator committed the intentional criminal offence during the probation period of a suspended imprisonment or after being sentenced to imprisonment to be served for committing an intentional criminal offence, but before enforcement of the sentence was completed, or during the period of release on probation or conditional suspension by the prosecutor, or

e) the perpetrator earlier participated in a mediation procedure due to committing an intentional criminal offence and, for this reason, paragraph (1) or (2) was applied to him, provided that less than two years passed between the date of the decision that may not be challenged further and the commission of the subsequent intentional criminal offence.

CHAPTER VI

OTHER OBSTACLES TO ESTABLISHING CRIMINAL LIABILITY

Section 30 The absence of

a) private motion,

b) crime report

shall be an obstacle to establishing criminal liability.

Absence of private motion

Section 31 (1) In the cases specified in this Act, the perpetrator of a criminal offence may only be punished upon private motion.

(2) The aggrieved party shall be entitled to file a private motion.

(3) In the cases specified in section 69 (5) of the Act XC of 2017 on the Code of Criminal Procedure, only the statutory representative of the aggrieved party may file the private motion. If the aggrieved party is a minor having limited capacity to act, the private motion may be filed by him or his statutory representative. In these cases, the private motion may also be filed by the guardianship authority. If there is a conflict of interests, the provisions of the Civil Code shall apply.

(4) If the aggrieved party entitled to file a private motion dies, the private motion may be filed by his relative.

(5) A private motion filed against any of the perpetrators shall be effective against all perpetrators.

(6) A private motion may not be withdrawn.

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Absence of crime report

Section 32 (1) In the cases specified in this Act, the perpetrator of a criminal offence may only be punished upon the crime report filed by the person entitled to do so.

CHAPTER VII

PENALTIES

Section 33 (1) Penalties shall be the following:

a) imprisonment,

b) confinement,

c) community service,

d) financial penalty,

e) disqualification from a profession,

f) disqualification from driving a vehicle,

g) ban on entering certain areas,

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h) ban on visiting sports competitions,

i) expulsion.

(2) A secondary penalty shall be exclusion from participating in public affairs.

(3) With the exceptions specified in paragraphs (5) and (6), penalties may be imposed simultaneously.

(4) If the minimum of the penalty range for a criminal offence does not reach one year of imprisonment then confinement, community service, financial penalty, disqualification from a profession, disqualification from driving a vehicle, ban on entering certain areas, ban on visiting sports competitions, or expulsion may be imposed, individually or in any combination, instead of imprisonment.

(5) If the criminal offence is to be punished by confinement under this Act, community service, financial penalty, disqualification from a profession, disqualification from driving a vehicle, ban on entering certain areas, ban on visiting sports competitions, or expulsion may be imposed, individually or in any combination, instead of or in addition to confinement.

(6) It shall not be possible to impose

a) confinement or community service in addition to imprisonment,

b) community service or financial penalty in addition to expulsion,

c) financial penalty in addition to life imprisonment.

Imprisonment

Section 34 Imprisonment shall be imposed for a fixed period or for life.

Section 35 (1) If the court imposes a sentence of imprisonment, it shall be enforced in low-security penal institution, medium-security penal institution, or high-security penal institution.

(2) With regard to the circumstances taken into account at sentencing, the penalty may be ordered to be enforced in a penal institution one level below or above the security level specified in the Act. This provision shall not apply to life imprisonment imposed under section 44 (1) to (2) or section 90 (2).

Fixed-term imprisonment

Section 36 The term of a fixed-term imprisonment shall not be shorter than three months or longer than twenty years; if the perpetrator commits the criminal offence in a criminal organisation or as a special or multiple recidivist, or if a concurrent sentence or accumulative sentence is imposed, the term of fixed-term imprisonment shall not be longer than twenty-five years.

Section 37 (1) Imprisonment imposed for a misdemeanour shall be enforced in a low-security penal institution, unless the convict is a recidivist.

(2) Imprisonment shall be enforced in a medium-security penal institution if it was imposed

a) for felony, or

b) for misdemeanour and the convict is a recidivist.

(3) Imprisonment shall be enforced in a high-security penal institution if

a) imprisonment for three years or more was imposed for

aa) a criminal offence specified in Chapters XIII, XIV or XXIV,

ab) a military criminal offence that may be punished also by life imprisonment,

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ac) a terrorist act [section 314 (1) to (2), sections 315 to 316/A], terrorism financing [sections 318 and 318/A], unlawful seizure of a vehicle [section 320 (1) to (3)], participation in a criminal organisation [section 321 (1)], abuse of explosives or detonating equipment (section 324), abuse of guns or ammunition [section 325 (1) to (3)], abuse of a weapon prohibited by an international treaty [section 326 (1) to (6)], abuse of military products or services [section 329 (1) to (4)], abuse of dual-use products [section 330 (1) to (3)],

ad) an aggravated form of homicide, drug trafficking, drug possession, kidnapping, trafficking in human beings and forced labour, sexual violence, causing public danger, violation of an international economic restriction or robbery [section 160 (2), section 176 (2) to (3), section 177 (1) to (2), section 178 (2), section 179 (2), section 190 (2) to (4), section 192 (1) to (6), section 197 (2) to (4), section 322 (2) to (3), section 327 (3), section 365 (3) to (4)]

or

b) the term of imprisonment is two years or more, and

ba) the convict is a multiple recidivist, or

bb) the convict committed the criminal offence in a criminal organisation.

Release on parole from fixed-term imprisonment

Section 38 (1) If fixed-term imprisonment is imposed, the court shall specify in its conclusive decision the earliest date of release on parole, or, in the case specified in paragraph (4), shall establish that the possibility of release on parole is excluded.

(2) If the possibility of release on parole is not excluded, its earliest date shall be the day after serving

a) two-thirds

b) for a recidivist, three-quarters

of the sentence, but at least three months.

(3) If imprisonment for a period not exceeding five years is imposed, the court, in cases deserving special consideration, may order in its conclusive decision that the convict may be released on parole after serving half of his sentence. This provision shall not apply if the convict is a multiple recidivist.

(4) A person shall not be released on parole if

a) he is a multiple recidivist and the imprisonment is to be served in a high-security penal institution,

b) he is a violent multiple recidivist,

c) he committed the criminal offence in a criminal organisation,

d) he was sentenced to imprisonment for an intentional criminal offence committed after being previously sentenced to fixed-term imprisonment to be served, but before enforcement of the sentence was completed or its enforceability ceased,

e) he was sentenced to imprisonment to be served for the commission, as an offender, of the following criminal offences:

ea) genocide, crime against humanity, apartheid if committed by causing death intentionally [sections 142 (1) a), 143 (1) a), 144 (1) a)],

eb) homicide [section 160 (1) to (2)],

ec) kidnapping [section 190 (4)],

ed) an aggravated form of prisoner mutiny, terrorist act, unlawful seizure of a vehicle or mutiny if committed by causing death intentionally [sections 284 (4), 314 (1), 320 (2), 422 (4)] or

ee) violence against a military superior or a serving officer [section 445 (5) a)].

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(5) A person shall not be released on parole also if he was sentenced to imprisonment to be served

a) in a case where a criminal offence under paragraph (4) e) was committed,

aa) for preparation,

ab) as an accessory or

ac) applying reduction without limitation,

b) for a violent criminal offence against a person punishable by imprisonment for eight years or more that he committed against a relative, or

c) for a criminal offence against the freedom of sexual life and sexual morality that he committed against a person who has not attained the age of eighteen years.

(6) The court, in its conclusive decision, may provide that a perpetrator under paragraph (5) may be released on parole, provided that by ordering probation supervision and imposing special rules of behaviour, the protection of the society can be ensured and the perpetrator can be prevented from committing a new criminal offence, taking account of the degree of danger to society posed by the personality of the perpetrator and of other sentencing factors.

(7) For the purposes of paragraph (5) b), a relative shall be construed to mean also a parent of a child, former spouse, former cohabitant, custodian, an individual under the custodianship, guardian and an individual under the guardianship of the perpetrator.

Section 39 (1) For fixed-term imprisonment, the period of parole shall be equal to the remaining period of imprisonment, but at least one year. If section 38 (3) is applied, the court may order in its conclusive decision that the period of parole be extended by at least one, but no more than three years.

(2) If the remaining period of imprisonment is less than one year and its enforcement has not been ordered, after the expiry of the period of parole, the sentence shall be deemed to be served as of the last day of the remaining period.

Section 40 (1) The court shall terminate the parole if the convict is sentenced to imprisonment to be served

a) during the period of parole, for a criminal offence committed after the conclusive decision became final and binding, or

b) for a criminal offence committed during the period of parole.

(2) The court may terminate the parole if the convict is sentenced to a penalty other than those specified in paragraph (1).

(3) If the parole is terminated, the period spent on parole shall not be credited to the period of imprisonment.

(4) If a sentence of imprisonment is to be enforced against the convict during the period of parole for a criminal offence committed before the previous conclusive decision became final and binding, the enforcement of the sentence shall interrupt the period of parole, and the court shall postpone the earliest date of resuming the parole

a) until the date of release on parole from the latter sentence of imprisonment, or

b) until the latter sentence of imprisonment is served if the possibility of release on parole for that sentence of imprisonment is excluded.

Life imprisonment

Section 41 (1) Life imprisonment may be imposed only on persons who have attained the age of twenty years when committing the criminal offence. This provision shall also apply to life imprisonment imposed under section 90 (2).

(2) A sentence of life imprisonment shall be served in a high-security penal institution.

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Release on parole from life imprisonment

Section 42 (1) If life imprisonment is imposed, the court shall specify in its conclusive decision the earliest date of release on parole, or shall exclude the possibility of release on parole.

Section 43 (1) If life imprisonment is imposed by the court without excluding the possibility of release on parole, its earliest date shall be at least after twenty-five but not more than forty years. The earliest date of release on parole shall be specified in years.

(2) If life imprisonment is imposed, the period of parole shall be at least fifteen years.

Section 44 (1) If life imprisonment is imposed, the court shall be entitled to exclude the possibility of release on parole only with regard to the following criminal offences:

a) genocide [section 142 (1)],
b) crimes against humanity [section 143 (1)],
c) apartheid [section 144 (1) and (3)],
d) aggravated form of violence against a parlementaire [section 148 (2)],
e) violence against protected persons [section 149 (1) to (2)],
f) use of a weapon prohibited by an international treaty [section 155 (1)],
g) other war crimes (section 158),
h) aggravated form of homicide [section 160 (2)],
i) aggravated form of kidnapping [section 190 (3) to (4)],
j) aggravated form of trafficking in human beings and forced labour [section 192 (6)],
k) changing the constitutional order by force [section 254 (1)],
l) aggravated form of destruction [section 257 (2)],
m) aggravated form of prisoner mutiny [section 284 (4)],
n) terrorist act [section 314 (1)],
o) aggravated form of unlawful seizure of a vehicle [section 320 (2)],
p) aggravated form of causing public danger [section 322 (3)],
q) aggravated form of mutiny [section 442 (4)],
r) aggravated form of violence against a military superior or a serving officer [section 445 (5)],

if committed by violence against a person or thing.

(2) The possibility of release on parole shall be excluded if the perpetrator

a) is a violent multiple recidivist, or
b) committed the criminal offence specified in paragraph (1) in a criminal organisation.

Section 45 (1) If, while serving his sentence of life imprisonment, the convict is sentenced to fixed-term imprisonment to be served for a criminal offence committed before being sentenced to life imprisonment, the court shall postpone the earliest date of release on parole for the period of the fixed-term imprisonment to be served.

(2) If, while released on parole from his life imprisonment, the convict is sentenced to fixed-term imprisonment to be served for a criminal offence committed before being sentenced to life imprisonment, the court shall terminate the parole and postpone the earliest date of release on parole for the period of the fixed-term imprisonment to be served.

(3) If, while serving his sentence of life imprisonment, the convict is sentenced to fixed-term imprisonment for a criminal offence committed while serving his sentence of life imprisonment, the court shall postpone the earliest date of release on parole for the period of the fixed-term imprisonment, but for at least five and not more than twenty years.

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(4) If, while released on parole from his life imprisonment, the convict is sentenced to fixed-term imprisonment for a criminal offence committed while serving his sentence of life imprisonment, the court shall terminate the parole and postpone the earliest date of release on parole for the period of the fixed-term imprisonment, but for at least five and not more than twenty years.

(5) If the convict is sentenced to fixed-term imprisonment for a criminal offence committed while released on parole from his life imprisonment, the court shall terminate the parole and postpone the earliest date of release on parole for the period of the fixed-term imprisonment, but for at least five and not more than twenty years.

(6) If the earliest date of release on parole from life imprisonment is postponed due to fixed-term imprisonment as per paragraph (1), (2), (4) or (5), the earliest date of release on parole shall be determined with regard to the period served in remand detention and under criminal supervision and credited to the period of the fixed-term imprisonment.

(7) A convict shall not be released on parole if he is sentenced to life imprisonment once more. If his previous life imprisonment has not yet been enforced, the latter life imprisonment shall not be enforced.

(8) The court shall terminate the parole if the convict is sentenced to life imprisonment once more

a) during the period of release on parole from life imprisonment; or

b) for a criminal offence committed during the period of release on parole from life imprisonment.

Confinement

Section 46 (1) The period of confinement shall be determined in days, and it shall not be shorter than five days or longer than ninety days.

(2) Confinement shall be served in a penal institution.

Community service

Section 47 (1) The period of community service shall be determined in hours, and it shall not be shorter than forty-eight hours or longer than three hundred and twelve hours.

(2) Unless otherwise provided by an Act, community service shall be performed by the convict without any remuneration on at least one day per week, on the weekly rest day or in his free time.

(3)

(4) A person sentenced to community service shall be required to perform the service prescribed for him. The perpetrator shall be required to perform a service he is foreseeably able to perform, taking his health and qualifications into account.

Section 48 (1) If the convict does not perform the service prescribed for him due to his own fault, the community service or its remaining part shall be converted to imprisonment.

(2) Imprisonment replacing a community service sentence shall be enforced in a low-security penal institution.

(3) Imprisonment replacing a community service sentence may be shorter than three months.

Section 49 If the convict is sentenced to imprisonment to be served for a criminal offence committed after being sentenced to community service, and the community service sentence has not yet been enforced, the community service or its remaining part shall be converted to imprisonment, four hours of community service being the equivalent of one day of imprisonment. Any period remaining after the conversion of community service shall be considered equivalent to one day of imprisonment.

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Financial penalty

Section 50 (1) Financial penalty shall be imposed by determining the number of daily units according to the material gravity of the criminal offence, and the amount of one daily unit, taking into account the financial situation, income, personal circumstances and lifestyle of the perpetrator.

(2) The person sentenced to fixed-term imprisonment for a criminal offence committed for gain shall be sentenced to a financial penalty as well if he has appropriate income or assets.

(3) The number of daily units of a financial penalty shall not be lower than thirty or higher than five hundred and forty. The amount of one daily unit shall not be less than one thousand five hundred forints or more than seven hundred and eighty thousand forints.

(4) The court may order in its conclusive decision, taking the financial situation and income of the perpetrator into account, that the perpetrator may pay the financial penalty in monthly instalments within a period of not more than two years.

Section 51 (1) If the convict does not pay the financial penalty or, if payment in instalments was permitted, fails to pay a monthly instalment, the financial penalty, or any unpaid remainder of it shall be converted to imprisonment.

(2) If a financial penalty was imposed in addition to a sentence of imprisonment to be served, or the enforcement of a suspended imprisonment was ordered, any imprisonment replacing the financial penalty shall be enforced at the same security level as the sentence of imprisonment. In any other case, imprisonment replacing a financial penalty shall be enforced in a low-security penal institution.

(3) An imprisonment replacing a financial penalty may be shorter than three months.

Disqualification from a profession

Section 52 (1) A person may be disqualified from exercising a profession if he committed the criminal offence

a) by violating the rules of his profession that requires qualification, or

b) intentionally, by abusing his profession.

(2) Paragraph (1) a) may also be applied against a person who was not performing the activity as his profession at the time of committing the criminal offence, but has the qualification required for exercising the profession the rules of which he violated for committing the criminal offence.

(3) The perpetrator of a criminal offence against the freedom of sexual life and sexual morality who committed the criminal offence against a person who has not attained the age of eighteen years and the perpetrator of child pornography shall be disqualified permanently from exercising any profession or performing any other activity that involves the education, supervision, care, or medical treatment of a person who has not attained the age of eighteen years, or in the context of which he is in a position of power or influence over a person who has not attained the age of eighteen years.

(4) The perpetrator of the criminal offence of endangering a minor shall be disqualified from exercising any profession or performing any other activity that involves the education, supervision, care or medical treatment of a person who has not attained the age of eighteen years, or in the context of which he is in a position of power or influence over a person who has not attained the age of eighteen years. In cases deserving special consideration, the mandatory application of disqualification from a profession may be dispensed with.

(5) The perpetrator of the criminal offence of illegal influence of the will of voters shall be disqualified from being a responsible person in a non-governmental organisation or holding a senior office in a political party. In cases deserving special consideration, the mandatory application of disqualification from a profession may be dispensed with.

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Section 53 (1) Disqualification from a profession shall be imposed for a fixed period or permanently.

(2) The period of a fixed-term disqualification shall not be shorter than one year or longer than ten years. A person may be permanently disqualified if he is unfit for or unworthy of exercising the profession.

(3) The period of disqualification from a profession shall commence when the conclusive decision becomes final and binding. If disqualification from a profession is imposed in addition to imprisonment, the term of imprisonment served by the convict shall not be credited to, and any period during which he evaded the enforcement of the imprisonment shall not be included in, the period of disqualification. The period of release on parole shall be credited to the period of the disqualification from a profession if release on parole is not terminated.

(4) The court may exempt the disqualified person from permanent disqualification upon request, provided that ten years have passed since disqualification was imposed and the disqualified person has become fit for or, if disqualification was imposed due to unworthiness, worthy of exercising the profession. Even in the latter case, a person who committed the criminal offence in a criminal organisation shall not be exempted.

Section 54 For the purposes of this subtitle, it shall also be considered a profession if the perpetrator is

a) a member of a body in charge of the general management of an economic operator or is the sole manager of an economic operator,

b) a member of the supervisory board of a company or a cooperative,

c) the member of an individual firm,

d) a private entrepreneur, or

e) an executive officer of a non-governmental organisation as defined by the Act on non-governmental organisations.

Disqualification from driving a vehicle

Section 55 (1) A person may be disqualified from driving a vehicle if he

a) committed a criminal offence by violating the rules of driving a vehicle requiring a licence, or

b) used a vehicle to commit criminal offences.

(2) The person who committed the criminal offence of driving under the influence of alcohol or driving under the influence of intoxicants shall be disqualified from driving a vehicle. In cases deserving special consideration, the mandatory application of disqualification from driving a vehicle may be dispensed with.

(3) The disqualification from driving a vehicle may also apply to certain types (aircraft, rail vehicle, watercraft or road vehicle) or categories of vehicles.

Section 56 (1) Disqualification from driving a vehicle shall be imposed for a fixed period or permanently.

(2) The period for which the driving licence of the perpetrator was taken on the spot, or returned to the authorities, or for which the immediate suspension of the entitlement to drive was recorded in the licence register on the spot, in relation to the criminal offence before the disqualification from driving a vehicle was imposed shall be credited to the period of disqualification from driving a vehicle.

(3) The period of a fixed-term disqualification shall not be shorter than one month or longer than ten years. The period of disqualification from driving a vehicle shall be determined in months or in years, or in years and months.

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(4) The period of disqualification from driving a vehicle shall commence when the conclusive decision becomes final and binding. If disqualification from driving a vehicle is imposed in addition to imprisonment, the period of imprisonment served by the convict shall be credited to, and any period during which he escapes from the enforcement of the sentence of imprisonment shall not be included in, the period of disqualification. The period of release on parole shall be credited to the period of the disqualification from driving a vehicle if release on parole is not terminated.

(5) A person may be permanently disqualified if he is unfit to drive a vehicle. The court may exempt the disqualified person from permanent disqualification upon request, provided that ten years have passed since disqualification was imposed and the disqualified person has become fit to drive a vehicle.

Ban on entering certain areas

Section 57 (1) In the cases specified in this Act, a person may be banned from one or more settlements, or certain areas of a settlement or of the country, if his presence there endangers the interest of the public.

(2) The period of a ban on entering certain areas shall not be shorter than one year or longer than five years.

(3) The period of a ban on entering certain areas shall commence when the conclusive decision becomes final and binding. If a ban on entering certain areas is imposed in addition to imprisonment, the period of imprisonment served by the convict shall not be credited to, and any period during which he escapes from the enforcement of the sentence of imprisonment shall not be included in, the period of the ban. The period of release on parole shall be credited to the period of the ban on entering certain areas if release on parole is not terminated.

Ban on visiting sports competitions

Section 58 (1) Due to a criminal offence committed with regard to a sports competition in the course of participating in, going to, or leaving the sports competition, the court may ban the perpetrator from

a) visiting any sports competition organised under the competition scheme of a sports association, or

b) entering any sports facility when it is used to host a sports event organised under the competition scheme of a sports association.

(2) The period of a ban on visiting sports competitions shall not be shorter than one year or longer than five years.

(3) The period of a ban on visiting sports competitions shall commence when the conclusive decision becomes final and binding. If a ban on visiting sports competitions is imposed in addition to imprisonment, the period of imprisonment served by the convict shall not be credited to, as well as any period during which he escapes from the enforcement of the sentence of imprisonment shall not be included in, the period of the ban. The period of release on parole shall be credited in the period of the ban on visiting sports competitions if release on parole is not terminated.

Expulsion

Section 59 (1) A perpetrator other than a Hungarian national whose staying in the country is undesirable shall be expelled from the territory of Hungary. The expelled person shall be required to leave the territory of the country and shall not be allowed to return during the period of expulsion.

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(2) A person who is granted asylum by Hungary shall not be expelled.

(3) A person who has the right to free movement and residence or who enjoys permanent residence status in the territory of Hungary may only be expelled if he committed a criminal offence punishable by imprisonment of five years or more.

(4) The person who

a) has been residing in the territory of Hungary lawfully for at least ten years, or

b) has been residing in the territory of Hungary lawfully and his right to respect for his family life would be violated,

may only be expelled if a sentence of imprisonment of ten years or more is imposed, provided that the presence of the perpetrator in the country would pose a significant threat to public safety.

Section 60 (1) Expulsion shall be imposed for a fixed period or permanently.

(2) The period of expulsion for a fixed period shall not be shorter than one year or longer than ten years.

(2a) With the exceptions specified in section 59 (2) and (4), the application of expulsion shall not be dispensed with if imprisonment is imposed for illegal crossing of the border fence (section 352/A), vandalisation of the border fence (section 352/B), obstructing construction works related to the border fence (section 352/C), or people smuggling (section 353). The period of fixed-term expulsion shall be twice as long as the period of the imposed imprisonment sentence, but at least two years. The period of expulsion may be specified in years, months or days. Section 50 (2) shall not apply if this paragraph is applied.

(3) A person may be expelled permanently if he is sentenced to imprisonment for ten years or more, and his presence in the country would pose a significant threat to public safety, taking into account the considerable gravity of the criminal offence, the nature of commission and the relationships of the perpetrator. A person who has the right to free movement and residence shall not be expelled permanently.

(4) The period of expulsion shall commence on the day when the convict leaves the territory of Hungary, or the territory of the European Union for a third-county national convict without the right to reside in another Member State of the European Union, in compliance with the order adopted, pursuant to the laws on immigration, on the enforcement of the expulsion or if this date is not available, on the due date set in the order. If the court imposes a sentence of expulsion on a defendant who is staying abroad or is absent, then the period of expulsion shall begin on the day of the conclusive decision becoming final and binding.

(5) The court may exempt the expelled person from permanent expulsion upon request, provided that ten years have passed since the expulsion and the expelled person is worthy of it.

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Exclusion from participating in public affairs

Section 61 (1) A person shall be excluded from participating in public affairs if he is sentenced to imprisonment to be served for committing an intentional criminal offence and he is unworthy of participating in public affairs.

(2) A person excluded from participating in public affairs

a) shall be excluded from the right to vote and to be voted for and may not participate in a referendum or popular initiative,

b) shall not be a public officer

c) shall not be a member of, or participate in the work of, a body or committee of an organ of popular representation,

d) shall not be delegated to the general assembly or a body of an organisation established by an international treaty promulgated in an Act,

e) shall not hold a military rank,

f) shall not receive a domestic distinction and may not be permitted to accept a foreign distinction,

g) shall not serve as a defence counsel or legal representative in an official procedure,

h) shall not hold a position in a statutory professional body or public foundation, and

i) shall not be an executive officer of a non-governmental organisation as defined by the Act on non-governmental organisations.

(3) Upon the conclusive decision becoming final and binding, the person excluded from participating in public affairs shall be deprived of all memberships, jobs, positions, military ranks, mandates and distinctions which are excluded by paragraph (2), as well as all titular ranks.

Section 62 (1) Exclusion from participating in public affairs shall be imposed for a fixed period, which shall not be shorter than one year or longer than ten years.

(2) The period of exclusion from participating in public affairs shall commence when the conclusive decision becomes final and binding. The term of imprisonment served by the convict not be credited to, and any period during which he escapes from the enforcement of the sentence of imprisonment shall not be included in, the period of exclusion from participating in public affairs. The period of release on parole shall be credited to the period of exclusion from participating in public affairs if release on parole is not terminated.

(3) In the event of the suspension of the enforcement of a sentence of imprisonment, if the pardon decision did not affect the exclusion from participating in public affairs, the probation period shall be included in the period of exclusion from participating in public except, unless the enforcement of the sentence of imprisonment is ordered.

CHAPTER VIII

MEASURES

Section 63 (1) Measures shall be the following:

a) reprimand,

b) release on probation,

c) reparation work,

d) probation supervision,

e) confiscation,

f) forfeiture of assets,

g) rendering electronic data permanently inaccessible,

h) compulsory psychiatric treatment,

i) measures specified in the Act on measures applicable to legal persons under criminal law,

j) termination of hosting service provision.

(2) Reprimand, release on probation and reparation work shall be applied independently, in place of a penalty.

(3) Probation supervision may be applied in addition to a penalty or measure. In addition to expulsion, probation supervision shall not be ordered, or applied mandatorily.

(4) Confiscation, forfeiture of assets, rendering electronic data permanently inaccessible and termination of hosting service provision may be applied independently or in addition to a penalty or measure.

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Reprimand

Section 64 (1) A person shall be reprimanded if, at the time of adjudication, his act is no longer dangerous or the degree of danger to society is so insignificant that the application of even the lowest penalty or any other measure available under this Act, apart from confiscation, forfeiture of assets, rendering electronic data permanently inaccessible and termination of hosting service provision, is unnecessary.

(2) Through applying reprimand, the court or the prosecution service expresses its disapproval of the unlawful act and warns the perpetrator to refrain from committing any criminal offence in the future.

Release on probation

Section 65 (1) The court may postpone sentencing the perpetrator of a misdemeanour or a felony punishable by not more than three years of imprisonment for a probation period if there is reasonable ground to believe that the objective of punishment can also be achieved by applying a measure.

(2) A person shall not be released on probation if

a) he is a recidivist,

b) he committed the criminal offence in a criminal organisation,

c) he committed an intentional criminal offence after being sentenced to imprisonment to be served but before enforcement of the sentence was completed, or

d) he committed an intentional criminal offence during a probation period of suspended imprisonment.

(3) The probation period shall not be shorter than one year or longer than three years, and it shall be determined in years, or in years and months.

(4) A person released on probation may be placed under probation supervision. If a person released on probation violates the rules of behaviour of probation supervision, the probation period may be extended once by up to one year.

Section 66 (1) Release on probation shall be terminated and a penalty shall be imposed if the person released on probation

a) is sentenced during the probation period for a criminal offence committed before being released on probation,

b) is sentenced for a criminal offence committed during the probation period, or

c) violates seriously the rules of behaviour of probation supervision.

(2) Apart from the cases specified in paragraph (1), the liability to punishment of the perpetrator shall terminate after the expiry of the probation period.

Reparation work

Section 67 (1) The court may postpone sentencing the perpetrator of a misdemeanour or a felony punishable by not more than three years of imprisonment for a period of one year and order the performance of reparation work if there is reasonable ground to believe that the objective of punishment can also be achieved in this way. Probation supervision may also be ordered in addition to ordering the performance of reparation work.

(2) A person shall not be ordered to perform reparation work if

a) he is a recidivist,

b) he committed the criminal offence in a criminal organisation,

c) he committed an intentional criminal offence after being sentenced to imprisonment to be served but before enforcement of the sentence was completed, or

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d) he committed an intentional criminal offence during a probation period of suspended imprisonment.

(3) The perpetrator may, according to his choice, perform the reparation work at or for an institution maintained by the State or a local government, a public interest non-governmental organisation or an ecclesiastical legal person.

(4) The period of reparation work shall be determined in hours, and it shall not be shorter than twenty-four hours or longer than one hundred and fifty hours.

Section 68 (1) If the perpetrator provides appropriate evidence within one year that he has performed reparation work, his liability to punishment shall terminate.

(2) If the perpetrator does not provide evidence of having performed reparation work or violates seriously the rules of probation supervision, the court shall impose a penalty. If the perpetrator cannot provide evidence of having performed reparation work for health reasons, the time limit for providing evidence of having performed reparation work may be extended once by up to one year.

Probation supervision

Section 69 (1) Probation supervision may be ordered

a) for the period of conditional suspension by the prosecutor,

b) for the period of release on parole,

c) for the probation period of release on probation,

d) in addition to ordering the performance of reparation work,

e) for the probation period of suspended imprisonment,

if the regular monitoring of the perpetrator is necessary for the completion of that period successfully.

(2) A person shall be subject to probation supervision if

a) he is released on parole from life imprisonment,

b) he is a recidivist who is released on parole or whose serving the sentence of imprisonment is suspended,

c) he is a perpetrator specified in section 38 (5) who is released on parole pursuant to section 38 (6),

d) he was sentenced to imprisonment for a violent criminal offence against a person that he committed against a relative, for the probation period of a suspended imprisonment, or

e) he was sentenced to imprisonment for a criminal offence against the freedom of sexual life and sexual morality that he committed against a person who has not attained the age of eighteen years, for the probation period of a suspended imprisonment.

(3) For the purposes of paragraph (2) d), a relative shall be construed to mean also a parent of a child, former spouse, former cohabitant, custodian, an individual under the custodianship, guardian and an individual under the guardianship of the perpetrator.

Section 70 (1) The period of probation supervision shall be the same as

a) the period of release on parole,

b) the probation period of release on probation,

c) the probation period of a suspension of imprisonment,

d) the period of conditional suspension by the prosecutor,

but not more than five years or, in the case of release on parole from life imprisonment, fifteen years.

(2) The period of probation supervision ordered in addition to reparation work shall last until the obliged person provides evidence of having performed reparation work, but no longer than one year.

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(3) In the cases specified in section 69 (1), the probation officer may recommend terminating the probation supervision after the lapse of half of the period of probation supervision, but at least one year if probation supervision is no longer necessary.

Section 71 (1) As general rules of behaviour, the supervised person

a) shall comply with all rules of behaviour imposed by law or in the relevant decision,

b) shall maintain regular contact with his probation officer, and

c) shall provide the probation officer with all information required for his monitoring.

(2) With a view to facilitating the achievement of the objective of probation supervision, the court or, for a conditional suspension by the prosecutor, the prosecution service may impose obligations and prohibitions as special rules of behaviour in its decision. The court or the prosecution service may order that the supervised person

a) refrain from maintaining contact with a specific person who participated in the commission of the criminal offence,

b) stay away from the aggrieved party of the criminal offence or, having regard to their relationship with the aggrieved party, from a relative of the aggrieved party or from another person (for the purposes of this section hereinafter jointly "person concerned"), from the home of the person concerned, or from another real estate, including a child welfare or child protection institution, used as customary residence by the person concerned, from the place of work of the person concerned, or from an institution or other place frequently visited by the person concerned, in particular an upbringing, or upbringing-educational institution or a healthcare institution visited for medical treatment, or a building visited for religious worship,

c) do not visit or attend public places, public events and assemblies of a specific nature or certain public spaces,

d) refrain from drinking alcoholic beverages in public places,

e) present himself at a specified location at specified intervals, to a specified organ or person,

f) contact the state employment service or report to the local government for community employment,

g) pursue specific studies,

h) undergo a specified medical treatment or curative procedure if consenting to it,

i) attend group sessions organised by his probation officer or other sessions listed in the programme of the community reentry centre of the probation service.

j) refrain from, or perform subject to limitations, a specified activity requiring internet access.

(3) The court or the prosecution service may also impose rules of behaviour other than those specified in paragraph (2), with special regard to the nature of the criminal offence, the damage caused, and improving the chances of integrating the perpetrator into society.

(4) A special rule of behaviour under paragraph (2) b) shall be imposed on a perpetrator under section 69 (2) c) or d) for the protection of the aggrieved party or, having regard to his relationship with the aggrieved party, of his relative. With the exception where the technical requirements for using a technical tracking device are not met, in a situation under section 69 (2) c), the court shall order the use of a technical tracking device to monitor compliance with this rule.

(5) As regards a perpetrator under section 69 (2) d), the court may depart from the provisions set out in paragraph (4) taking account of the circumstances of the commission of the criminal offence, the degree of danger to society posed by the personality of the perpetrator, the relationship between the perpetrator and the aggrieved party of the criminal offence or another person endangered in connection with the criminal offence, or other sentencing factors.

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(6) Being ordered to stay away in accordance with paragraph (2) b) shall not prevent a perpetrator who is holder of a right of contact from keeping supervised contact with his minor child.

(7) If a rule of behaviour under paragraph (2) j) applies, the court or the prosecution service shall specify, in the context of the criminal offence committed, the activities requiring internet from which the perpetrator is to refrain and may specify

a) the device to be used by the perpetrator to access the internet;

b) how the perpetrator is to provide evidence of his activity performed through internet access;

c) the equipment or application forming an information system to be used for monitoring the activities performed by the perpetrator through internet access, where the relevant technical conditions are met; and

d) that, where the technical conditions are met, the perpetrator is to ensure the monitoring of his activity performed through internet access by transmitting a continuous audio-visual recording at an unannounced request by the probation officer.

Confiscation

Section 72 (1) A thing shall be confiscated if

a) it was used or intended to be used as a means of committing a criminal offence,

b) it was created by way of committing a criminal offence,

c) it was the subject of a criminal offence, or it was used to transport such a thing after completing the criminal offence,

d) its possession poses a threat to public safety or is in breach of the law.

(2) Any press product in which the criminal offence was committed shall be confiscated.

(3) In the cases specified in paragraph (1) a) and c), unless dispensing with the application of confiscation is excluded by an obligation under international law, confiscation shall not be ordered if the thing is not the property of the perpetrator, provided that the owner did not know of the commission in advance.

(4) Confiscation shall also be ordered if

a) the perpetrator is not liable to punishment due to infancy, mental disorder or for any other reason terminating liability to punishment specified by an Act,

b) the perpetrator was reprimanded,

c) it may not be enforced during the period of special protection granted by the Act on the special protection of borrowed cultural goods.

(5) The confiscation of a thing that is subjected to forfeiture of assets shall not be ordered.

(6) The ownership of a confiscated thing shall pass to the State, unless otherwise provided by an Act.

(7) Confiscation shall not be applied if the limitation period prescribed regarding liability to punishment for the act, but at least five years, passed.

Section 73 In the cases specified in section 72 (1) a) and c), confiscation may be dispensed with on an exceptional basis if, considering the gravity of the criminal offence, it would be an unfair and disproportionate disadvantage for the perpetrator or the owner, unless

a) it is excluded by an obligation under international law,

b) the perpetrator committed the criminal offence in a criminal organisation,

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c) the criminal offence of drug trafficking, drug possession, facilitating drug production, abuse of a substance required for producing drugs, abuse of new psychoactive substances, abuse of performance-enhancing substance, counterfeiting of medicinal products, counterfeiting of medical products, abuse of poison, abuse of harmful consumer products, damaging the environment, damaging natural values, animal cruelty, fish poaching, game poaching, organising illegal animal fights, violation of waste management regulations, abuse of ozone depleting substances, abuse of radioactive materials, unlawful operation of a nuclear facility, abuse of explosives or detonating equipment, abuse of guns or ammunition, abuse of a weapon prohibited by an international treaty, abuse of military products or services, abuse of dual-use products, or violation of obligations related to keeping dangerous dogs was committed.

Forfeiture of assets

Section 74 (1) Forfeiture of assets shall be ordered

a) for assets originating from committing a criminal offence, obtained by the perpetrator in the course of or in relation to committing the criminal offence,

b) to c)

d) for assets replacing assets originating from committing the criminal offence, obtained in the course of or in relation to committing the criminal offence,

e) for assets given or intended for the purpose of providing the conditions necessary for or facilitating the commission of the criminal offence,

f) for the assets constituting the given or promised material advantage.

(2) Forfeiture of assets shall also be ordered for assets originating from committing the criminal offence and obtained in the course of or in relation to committing the criminal offence which enrich a third party. If an economic operator is enriched by such assets, forfeiture of assets shall be ordered against the economic operator.

(3) If the perpetrator or the enriched person specified in paragraph (2) has died or the economic operator has been transformed, forfeiture of assets shall be ordered against the legal successor for the assets under paragraph (1) or section 74/A that were subject to succession.

(4)

(5) Forfeiture of assets shall not be ordered

a) for assets serving as coverage for a civil claim enforced in the criminal proceedings,

b) for assets obtained in good faith for consideration,

c) for assets referred to under paragraph (1) a) and d) or paragraph (2) to the extent of a payment obligation established as regards the assets by an administrative authority or the state tax and customs authority in its decision with administrative finality, or a court in a final and binding judgment adopted in an administrative court action, on the basis of the same facts as those of the criminal offence serving as the basis for the criminal proceeding.

Section 74/A (1) Unless proven to the contrary, assets obtained by the perpetrator during the period of

a) his participating in a criminal organisation,

b) his committing the criminal offence of placing drugs on the market or trading in drugs,

c) his committing the criminal offence of people smuggling committed regularly for generating income or in a criminal conspiracy

shall be deemed to be assets subject to forfeiture of assets and forfeiture of assets shall be ordered for such assets.

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(2) Unless proven to the contrary, assets obtained by the perpetrator of the criminal offence of

a) placing drugs on the market or trading in drugs [section 176 (1) to (4) and (6), section 177 (1) b) and c) cb), (2) to (3) and (5)], cultivating or producing drugs, importing, exporting, or transporting drugs to, from or through the territory of the country [section 178 (1) to (5) and section 179], facilitating drug production [section 182 (1) to (4)], placing on the market, transporting, or carrying out any intermediary activity regarding, drug precursors [section 183 (1) a)],

b) producing, importing to, exporting from, transporting through the territory of the country, placing on the market, or trafficking in new psychoactive substances [section 184 (1) to (3) and (5), section 184/A (1) b) and c) cb), (2) to (3) and (5), section 184/B (1) a) and (2) to (5), section 184/C (1) a) aa), b) ba) and (2) to (5)],

c) trafficking in human beings and forced labour [section 192 (1) to (7)],

d) procuring (section 200), facilitating prostitution (section 201), living on the earnings of prostitution (section 202), exploitation of child prostitution [section 203 (1) and (3) to (4)], offering, handing over, making available, making, placing on the market, trading in, or making accessible to a large audience a pornographic recording of a person who has not attained the age of eighteen years [section 204 (1) b) to c), (2) to (4), (5) b) and (2) to (6)], making one or more persons who have not attained the age of eighteen years participate in a pornographic show or organising such a show [section 204/A (1) b) and (2) to (5)],

e) child labour (section 209), illegal employment of a third-country national [section 356 (1) to (2)],

f) misuse of personal data for gain [section 219 (1) and (3) to (4)],

g) active bribery, passive bribery, active bribery regarding a public officer, passive bribery regarding a public officer (sections 290 to 294),

h) terrorist act [section 314, section 315 (1) to (2), sections 316 and 316/A], terrorism financing [sections 318 and 318/A],

i) participation in a criminal organisation [section 321 (1)],

j) people smuggling (section 353), facilitating illegal residence (section 354),

k) extortion (section 367),

l) embezzlement of particularly large or particularly significant value committed in a criminal organisation [section 372 (5) a) and (6)], fraud causing particularly large or particularly significant damage committed in a criminal organisation [section 373 (5) a) and (6)], economic fraud causing particularly large or particularly significant pecuniary loss committed in a criminal organisation [section 374 (5) a) and (6)], misappropriation causing particularly large or particularly significant pecuniary loss committed in a criminal organisation [section 376 (5) a) and (6)],

m) information system fraud [section 375 (1) to (5)],

n) money counterfeiting [section 389 (1) to (3)], facilitating money counterfeiting (section 390), counterfeiting non-cash payment instruments [section 392 (1) to (2)], abuse of non-cash payment instruments [section 393 (1) to (2)], facilitating the counterfeiting of non-cash payment instruments (section 394),

o) budget fraud causing particularly large or particularly significant pecuniary loss committed in a criminal organisation [sections 396 (4) to (5)],

p) money laundering (section 399),

q) illegal data acquisition committed in a criminal conspiracy or regularly for generating income [section 422 (4) b) and c)], circumvention of technical security measures protecting information systems [section 424 (1)]

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within a period of five years prior to the commencement of the criminal proceedings if such assets or the lifestyle of the perpetrator are particularly disproportionate to the certified income and personal circumstances of the perpetrator shall also be deemed to be assets subject to forfeiture of assets and forfeiture of assets shall be ordered for such assets.

(3) Forfeiture of assets shall not be ordered in the cases specified in paragraphs (1) and (2) if the perpetrator proves that the assets do not originate from a criminal offence.

Section 75 (1) Forfeiture of assets shall be ordered as determined in a sum of money

a) if the assets subject to forfeiture of assets are no longer available,

b) if the assets subject to forfeiture of assets cannot be separated from other assets, or such separation would involve disproportionate difficulties,

c) in the case specified in section 74 (5) b).

(2) Forfeiture of assets shall also be ordered if

a) the perpetrator is not liable to punishment due to infancy, mental disorder or for any other reason terminating liability to punishment specified by an Act,

b) the perpetrator was reprimanded,

c) it may not be enforced during the period of special protection granted by the Act on the special protection of borrowed cultural goods.

(3) The ownership of assets subjected to forfeiture of assets shall pass to the State, unless otherwise provided by an Act.

Section 76 For the purpose of this subtitle, assets shall be construed to mean also the proceeds of assets, rights and claims of pecuniary value, and any advantage of pecuniary value.

Rendering electronic data permanently inaccessible

Section 77 (1) Data published on an electronic communications network shall be rendered permanently inaccessible if

a) making it accessible or publishing it constitutes a criminal offence,

b) it was used as a means of committing the criminal offence, or

c) it was created by way of committing a criminal offence.

(2) Rendering electronic data permanently inaccessible shall also be ordered if the perpetrator is not liable to punishment due to infancy, mental disorder or for any other reason terminating liability to punishment specified by an Act, or if the perpetrator was reprimanded.

Compulsory psychiatric treatment

Section 78 (1) Compulsory psychiatric treatment shall be ordered against a perpetrator of a violent punishable act against a person, or the perpetrator of a punishable act causing public danger, if he is not liable to punishment due to his mental disorder, and there is a risk of him committing a similar act, provided that imprisonment for more than one year would be imposed if he would be liable to punishment.

(2) Compulsory psychiatric treatment shall be terminated if it is no longer necessary.

Termination of hosting service provision

Section 78/A (1) The court may order the termination of the provision for the perpetrator of the hosting service that the perpetrator used or intended to use as a means for committing a criminal offence.

(2) Termination of hosting service provision may be ordered even if the perpetrator is not liable to punishment due to infancy, mental disorder or any other reason excluding liability to punishment specified in an Act, or if the perpetrator was reprimanded.

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CHAPTER IX

SENTENCING

The objective of punishment

Section 79 The objective of punishment shall be, in the interest of the protection of society, to prevent the perpetrator or any other person from committing a criminal offence.

The principles of sentencing

Section 80 (1) Punishment shall be imposed within the framework laid down in this Act, bearing in mind its objective, ensuring that the punishment is appropriate for the material gravity of the criminal offence, the degree of guilt, the degree of danger the perpetrator poses to society, and other mitigating and aggravating circumstances.

(2) The median value of the penalty range shall be the reference value when imposing a sentence of fixed-term imprisonment. The median value shall be equal to half of the sum of the minimum and maximum of the penalty range.

(3) If this Act provides for that the penalty ranges specified in the Special Part be increased at sentencing, the calculation specified in paragraph (2) shall be performed using the increased penalty ranges.

(4) If the court imposes a sentence of imprisonment, it shall be determined without taking the possibility of suspending the enforcement of the punishment and of release on parole into account.

Concurrent sentence

Section 81 (1) One sentence shall be imposed for concurrence of criminal offences.

(2) The most serious type of penalty and penalty range from among those applicable to the criminal offences constituting concurrence shall be the basis for imposing a concurrent sentence.

(3) If at least two of the criminal offences constituting concurrence are punishable by fixed-term imprisonment, the maximum of the applicable penalty range shall be determined by increasing the maximum of the highest penalty range of the penalty ranges applicable to the individual criminal offences by half, but it shall not reach the combined total term of the maximum of the penalty ranges applicable to the individual criminal offences.

(4) If the respective conditions are met regarding the given criminal offence, the penalty range of the criminal offence constituting concurrence shall be determined according to the provisions applicable to special, multiple or violent multiple recidivists, or to commission in a criminal organisation, before applying paragraphs (2) and (3).

(5) The secondary penalty, even in the case of a concurrent sentence, shall not exceed the highest value or period specified in the Act.

Reduction of punishment

Section 82 (1) A punishment more lenient than the penalty range may be applied if, taking the principles of sentencing into account, even its lowest level would be excessive.

(2) According to paragraph (1), if the minimum of the penalty range is

a) ten years of imprisonment, imprisonment for at least five years,

b) five years of imprisonment, imprisonment for at least two years,

c) two years of imprisonment, imprisonment for at least one year,

d) one year of imprisonment, imprisonment for a shorter period

may be imposed instead.

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(3) In the case specified in paragraph (2) d), imprisonment may be replaced by confinement, community service or financial penalty, or any combination of these penalties may be imposed.

(4) In the case of an attempt or abetting, if even the punishment applicable under paragraph (2) would be excessive, punishment may be imposed by applying the subsequent point of paragraph (2).

(5) If a reduction without limitation is permitted by this Act, the lowest level of any type of penalty may be imposed as well.

Sentencing in the case of plea agreement

Section 83 (1) After the approval of a plea agreement in the proceedings specified under Chapter XCIX of the Act XC of 2017 on the Code of Criminal Procedure (hereinafter "plea agreement"), the minimum of the more lenient penalty ranges specified in section 82 (2) shall be taken as reference for sentencing.

(2) If plea agreement is approved for a defendant who, contributing to substantiating the case or another criminal case, has cooperated significantly with the prosecution service or the investigating authority, punishment may be imposed also by applying the subsequent point of section 82 (2).

(3)

Section 84

Suspension of the enforcement of a sentence of imprisonment

Section 85 (1) The enforcement of a sentence of imprisonment of not more than two years may be suspended for a probation period if, with special regard to the personal circumstances of the perpetrator, there is reasonable ground to believe that the objective of punishment can be achieved even without enforcing it.

(1a) For the illegal crossing of the border fence (section 352/A of the Criminal Code), vandalisation of the border fence (section 352/B of the Criminal Code), or obstructing construction works related to the border fence (section 352/C of the Criminal Code), the enforcement of a sentence of imprisonment of not more than five years may be suspended for a probation period.

(2) Unless otherwise provided in this Act, the probation period shall not be shorter than one year or longer than five years, but it shall not be shorter than the term of the imprisonment imposed. The probation period shall be determined in years, or in years and months.

(2a) For the illegal crossing of the border fence (section 352/A of the Criminal Code), vandalisation of the border fence (section 352/B of the Criminal Code), and obstructing construction works related to the border fence (section 352/C of the Criminal Code), the probation period shall not be shorter than two years or longer than ten years, but it shall not be shorter than the period of expulsion imposed for committing the criminal offence concerned.

Section 86 (1) The enforcement of a sentence of imprisonment shall not be suspended if the convict

a) is a multiple recidivist,

b) committed the criminal offence in a criminal organisation, or

c) committed an intentional criminal offence before enforcement of the sentence of imprisonment was completed or during a probation period of suspended imprisonment.

(2) If the perpetrator is subject to the enforcement of a sentence of imprisonment, due to which the enforcement of his sentence of suspended imprisonment may not be ordered, the probation period shall be extended by the time of imprisonment.

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(3) The provision laid down in paragraph (2) shall also apply to imprisonment replacing a community service or a financial penalty.

(4) In the cases under paragraphs (2) and (3), the probation period may exceed five years.

(5) If the perpetrator is sentenced multiple times to imprisonment suspended for a probation period, and the probation periods for the individual sentences of imprisonment have not yet passed then all probation periods shall be served concurrently.

(6) Simultaneously with suspending the enforcement of a sentence of imprisonment, the perpetrator may be subjected to probation supervision. If the perpetrator is a recidivist, he shall be subject to probation supervision.

Section 87 A sentence of suspended imprisonment shall be enforced if

a) it is established during the probation period that enforcement of the sentence was suspended notwithstanding a ground for exclusion specified in section 86 (1),

b) the perpetrator is sentenced to imprisonment to be served for a criminal offence committed during the probation period, or

c) the perpetrator seriously violates the rules of behaviour of probation supervision,

d) the perpetrator expelled under section 60 (2a) unlawfully returns to Hungary during the probation period of his sentence of suspended imprisonment.

Section 88 The provision on enforcement of a suspended sentence shall apply accordingly to ordering the enforcement of a sentence suspended due to a pardon.

Provisions on special, multiple and violent multiple recidivists

Section 89 (1) Regarding a special or multiple recidivist, the maximum of the penalty range of the more recent criminal offence shall be increased by half for imprisonment, but it shall not exceed twenty-five years.

(2) Regarding a special or multiple recidivist, punishment may be reduced under section 82 (1) only in cases deserving special consideration.

(3) The more severe legal consequences specified in paragraph (1) shall not be applied if committing a criminal offence as a special recidivist is to be punished as a qualified offence under the Special Part of this Act.

Section 90 (1) Section 33 (4) shall not apply to a violent multiple recidivist.

(2) Regarding a violent multiple recidivist, the maximum of the penalty range for the criminal offence based on which the perpetrator is considered to be a violent multiple recidivist shall be doubled for imprisonment. If the maximum of the penalty range increased this way would exceed twenty years, or if the criminal offence may be punished also by life imprisonment under the Act, the perpetrator shall be sentenced to life imprisonment.

(3) The punishment of a violent multiple recidivist

a) shall not be reduced under section 82 (1),

b) may be reduced without limitation if allowed by the General Part of this Act.

Provisions on commission in a criminal organisation

Section 91 (1) If a person committed an intentional criminal offence in a criminal organisation, the maximum of the penalty range applicable to the criminal offence shall be doubled, but it shall not exceed twenty-five years.

(2) If a person committed the criminal offence in a criminal organisation, a ban on entering certain areas may also be applied.

(3) If it is established that the criminal offence was committed in a criminal organisation, the legal consequences specified in this Act regarding the commission of a criminal offence in a criminal conspiracy shall not apply.

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Crediting remand detention, criminal supervision and infraction penalties

Section 92 (1) The entire period of a remand detention or of a criminal supervision during which, as prescribed by the court, the defendant was not allowed to leave a home, other premises, an institute or a fenced area of it without permission, shall be credited to the term of imprisonment, confinement, community service or to the financial penalty.

(2) For the purpose of crediting, one day served in remand detention shall be considered equivalent to one day of imprisonment, one day of confinement, one daily unit of financial penalty, or four hours of community service.

(3) The time served under criminal supervision under paragraph (1) shall be credited as follows:

a) five days shall be considered equivalent to one day of imprisonment if served in a high-security penal institution, four days as one day of imprisonment if served in a medium-security penal institution, and three days as one day of imprisonment if served in a low-security penal institution,

b) two days shall be considered equivalent to one day of confinement,

c) one day shall be considered equivalent to four hours of community service,

d) one day shall be considered equivalent to one daily unit of financial penalty.

(4) Any period remaining after crediting under paragraphs (2) and (3) shall be considered equivalent to one day of imprisonment.

Section 92/A (1) The entire period of a confinement or community service sentence, or a spot fine or fine imposed and enforced in infraction proceedings shall be credited to the term of imprisonment, confinement, community service, financial penalty or special education in a juvenile correctional institution imposed in criminal proceedings for an act subject to prosecutorial compliance reminder, review or retrial, following the prosecutorial compliance reminder or the review or retrial proceeding according to the Act on infractions.

(2) For the purpose of crediting, one day served in infraction confinement shall be considered equivalent to one day of imprisonment or confinement, four hours of community service, one daily unit of financial penalty, or one day of special education in a juvenile correctional institution.

(3) For spot fines and fines imposed for infractions, five thousand forints shall be considered equivalent to one day of imprisonment or confinement, four hours of community service, to an equal amount of financial penalty, or to one day of special education in a juvenile correctional institution.

(4) Community service imposed in infraction proceedings shall be considered equivalent to community service of the same duration, and six hours of community service imposed in infraction proceedings shall be considered equivalent to one day of imprisonment or confinement, one daily unit of financial penalty, or one day of special education in a juvenile correctional institution.

Rules on crediting penalties and measures already enforced

Section 92/B (1) If the judgment passed as a result of a retrial, review, legal remedy submitted on the ground of legality or a repeated procedure amends the decision passed in the main case, the penalty or measure imposed and enforced in the main case shall be credited. If the type of such penalties or measures is different, the provisions laid down in paragraph (2) shall apply to their crediting.

(2) For the purpose of crediting,

a) one day of imprisonment shall be considered equivalent to one day of confinement, four hours of community service, one daily unit of financial penalty, six hours of reparation work or one day of special education in a juvenile correctional institution,

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b) one day of confinement shall be considered equivalent to one day of imprisonment, four hours of community service, one daily unit of financial penalty, six hours of reparation work or one day of special education in a juvenile correctional institution,

c) four hours of community service shall be considered equivalent to one day of imprisonment, one day of confinement, one daily unit of financial penalty, six hours of reparation work or one day of special education in a juvenile correctional institution,

d) one daily unit of financial penalty shall be considered equivalent to one day of imprisonment, one day of confinement, four hours of community service, six hours of reparation work or one day of special education in a juvenile correctional institution,

e) one day of special education in a juvenile correctional institution shall be considered equivalent to one day of imprisonment, one day of confinement, four hours of community service, one daily unit of financial penalty or six hours of reparation work,

f) six hours of reparation work shall be considered equivalent to one day of imprisonment, one day of confinement, four hours of community service, one daily unit of financial penalty or one day of special education in a juvenile correctional institution.

Accumulative sentence

Section 93 (1) If the perpetrator is subject to multiple sentences of fixed-term imprisonment, the final and binding sentences shall be accumulated in line with the provisions of the Act if the perpetrator committed all criminal offences prior to the announcement of the earliest first instance conclusive decision.

(2) An accumulative sentence may include only sentences of imprisonment to be served which are yet to be served or are being served at the time of accumulation.

(3) If a sentence of suspended imprisonment becomes enforceable subsequently, it shall be deemed a sentence of imprisonment to be served for the purpose of accumulation.

(4) The following shall not be included in an accumulative sentence:

a) a sentence already included in an accumulative sentence,

b) a sentence of imprisonment replacing a financial penalty or community service.

Section 94 The period of an accumulative sentence shall be determined as if a concurrent sentence were imposed. The period of an accumulative sentence shall, however, reach the sum of the period of the most serious sentence and one third of the period of the shorter sentence or sentences, but it shall not exceed the sum of all sentences.

Section 95 (1) If individual sentences of imprisonment that are to be enforced in penal institutions of different security levels are included in an accumulative sentence, the accumulative sentence shall be served in the penal institution of the highest security level. If the period of the accumulative sentence reaches or exceeds three years or, for a multiple recidivist, two years, the accumulative sentence shall be served in a penal institution of the corresponding security level.

(2) If the security level determined according to paragraph (1) would represent an unfair disadvantage for the convict, a level one step lower may be applied.

(3) If the possibility of release on parole is not excluded, its earliest date shall be determined by applying the strictest provision. A convict shall not be released on parole from an accumulative sentence if the possibility of release on parole is excluded regarding any of his sentences of imprisonment.

(4) If the sentence of imprisonment regarding which the possibility of release on parole is excluded due to the fault of the convict is subsequently included in an accumulative sentence, the convict shall not be released on parole from the accumulative sentence either.

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Section 96 (1) If disqualification from a profession, disqualification from driving a vehicle, a ban on entering certain areas, a ban on visiting sports competitions, or expulsion is imposed in addition to imprisonment, and the sentences of imprisonment are accumulated, from among the multiple disqualifications from a profession, disqualifications from driving a vehicle, bans on entering certain areas, bans on visiting sports competitions, and expulsions with identical substance, the one that is more disadvantageous for the convict shall be enforced.

(2) A secondary penalty of exclusion from participating in public affairs shall not be included in an accumulative sentence. From among multiple secondary penalties of exclusion from participating in public affairs, the one for the longest period shall be enforced.

CHAPTER X

THE ADVERSE LEGAL CONSEQUENCES OF HAVING BEEN CONVICTED AND EXPUNGEMENT

The adverse legal consequences of having been convicted

Section 97 (1) The adverse legal consequences pertaining to the establishment of criminal liability, imposition of a penalty or application of a measure shall be established by an Act.

(2) Data pertaining to the establishment of criminal liability, the penalty imposed and the measure applied shall be recorded in a publicly certified official register (hereinafter the "criminal records system") for a period determined by the Act; after this period, the convict shall not be subject to any adverse legal consequence for having been convicted.

(3) Adverse legal consequences associated with a previous conviction under this Act shall not be considered adverse legal consequences in the application of paragraph (1). Data relating to the previous conviction on which the criminal legal consequences are based shall be established primarily on the basis of data in the criminal records system.

The scope of expungement

Section 98 (1) Unless otherwise provided by an Act, a convict granted expungement shall be relieved of the adverse legal consequences of having a criminal record.

(2) If a person is granted expungement, he shall be considered a person without a criminal record, and he shall not be obliged to report any conviction of which he has been relieved, unless otherwise provided by an Act.

(3) If a new criminal offence is committed, expungement shall not apply to criminal legal consequences associated with a previous conviction under this Act.

(4) A convict who has attained the age of eighteen years at the time of commission shall not be relieved of the adverse legal consequences of having a criminal record if he was sentenced to imprisonment to be served for more than five years for a criminal offence of sexual coercion [section 196 (2) a) and (3)], sexual violence [section 197 (2), (3) a) and (4) to (4a)], sexual abuse (section 198), procuring [section 200 (2), (3a) b) and (4) a)], facilitating prostitution [section 201 (2) and (4) b)], exploitation of child prostitution (section 203), child pornography [section 204 (1) to (4) and (6) and section 204/A)], indecent exposure [section 205 (2) of the Criminal Code] committed against a person who has not attained the age of eighteen years.

The method of expungement

Section 99 A convict may be granted expungement

a) by virtue of this Act,

b) on the basis of a court decision, or

c) by way of a pardon.

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Statutory expungement

Section 100 (1) Expungement shall take effect by virtue of this Act

a) on the day when the conclusive decision becomes final and binding, if confinement, financial penalty or community service was applied,

b) on the day when the conclusive decision becomes final and binding, if disqualification from a profession, disqualification from driving a vehicle, a ban on entering certain areas or a ban on visiting sports competitions was applied,

c) on the day when enforcement of the sentence is completed or its enforceability ceases, if expulsion was applied,

d) on the day when the probation period expires, if a sentence of suspended imprisonment was imposed,

e) on the day when the sentence is served or its enforceability ceases, if a sentence of imprisonment was imposed for committing a misdemeanour by negligence,

f) three years after the sentence is served or its enforceability ceases, if a sentence of imprisonment for a period not exceeding one year was imposed for committing an intentional criminal offence,

g) five years after the sentence is served or its enforceability ceases, if a sentence of imprisonment for a period of over one year but not exceeding five years was imposed for committing an intentional criminal offence,

h) eight years after the sentence is served or its enforceability ceases, if a sentence of imprisonment for a period of over five years but not exceeding ten years was imposed for committing an intentional criminal offence,

i) ten years after the sentence is served or its enforceability ceases, if fixed-term imprisonment of over ten years was imposed for committing an intentional criminal offence.

(2) In the case specified in paragraph (1) b), expungement shall not result in reinstating the right of the convict to

a) exercise a profession if disqualification from a profession,

b) drive a vehicle if disqualification from driving a vehicle,

c) stay in the settlement or area of the country specified in the judgment if a ban on entering certain areas,

d) visit sports competitions if a ban on visiting sports competitions was ordered.

(3) In the case specified in paragraph (1) d), expungement shall not take effect if enforcement of the sentence of imprisonment is ordered. In such a case, the rules pertaining to expungement regarding a sentence of imprisonment to be served shall apply.

Expungement by a court

Section 101 (1) With regard to a sentence of imprisonment to be served, the court may grant the convict *ex post* expungement upon request if he is worthy of it and half of the period specified in section 100 (1) f) to i) has passed since the sentence was served or its enforceability ceased.

(2) With regard to a sentence of suspended imprisonment, the court may grant the convict *ex post* expungement upon request if he is worthy of it and half of the probation period but at least one year, has passed.

(3) For the purpose of considering worthiness, the lifestyle pursued by the convict since serving his sentence or, with regard to a sentence of suspended imprisonment, since the conclusive decision became final and binding, and whether or not he made reparation for the harm caused by his criminal offence if he had the chance to do so.

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(4) *Ex post* expungement regarding a sentence of suspended imprisonment shall become ineffective if enforcement of the sentence of suspended imprisonment is ordered.

Section 102 (1) If enforcement of a sentence of imprisonment is suspended, the court may grant the convict expungement in advance in its conclusive decision if he is worthy of it.

(2) Expungement in advance shall become ineffective if enforcement of the sentence of suspended imprisonment is ordered.

The unity of expungement

Section 103 If a secondary penalty is imposed, the convict shall not be relieved of the adverse legal consequences of having been convicted as long as enforcement of the secondary penalty is not completed or its enforceability does not cease.

Expungement by pardon

Section 104 (1) With the exceptions specified in paragraph (3), a convict may be granted expungement by pardon by the person vested with the power to grant pardons even if an expungement may not be granted under this Act.

(2) The person granted expungement by pardon shall be considered a person without a criminal record with regard to any adverse legal consequence beyond criminal law.

(3) The President of the Republic may not exercise the right to grant individual pardons relating to a convict who was found guilty of

a) a criminal offence against the freedom of sexual life and sexual morality committed by a person who has attained the age of eighteen years against a person who has not attained the age of eighteen years; or

b) another intentional criminal offence committed by a person who has attained the age of eighteen years relating to a criminal offence referred to in point a) or a criminal proceeding instituted for a criminal offence referred to in point a).

CHAPTER XI

PROVISIONS ON JUVENILES

Fundamental provisions

Section 105 (1) Those who have attained the age of twelve years but have not attained the age of eighteen years when committing the criminal offence shall qualify as juveniles.

(2) The provisions of this Act shall apply to juveniles with the derogations specified in this Chapter.

Section 106 (1) The primary objective of a penalty imposed on or a measure applied to a juvenile shall be to assist the juvenile concerned to develop in the appropriate direction and become a useful member of society; for this reason, the education and protection of the juvenile concerned shall be taken into account when deciding on the measure or penalty.

(2) A penalty shall be imposed on a juvenile if the application of a measure would not achieve its objective. Those who have not attained the age of fourteen years when committing the criminal offence shall only be subject to measures.

(3) A juvenile shall only be subject to a custodial measure or custodial penalty if the objective of the measure or penalty cannot be achieved by other means.

Active repentance

Section 107 If the perpetrator is a juvenile, active repentance may also be permitted if a misdemeanour specified in section 29 (1) or a felony punishable by not more than five years of imprisonment was committed.

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Penalties and measures

Section 108 (1) A juvenile may also be subject to a measure of special education in a juvenile correctional institution.

(2) Imprisonment, confinement, or community service shall not be applied in addition to special education in a juvenile correctional institution.

Imprisonment

Section 109 (1) The shortest term of a sentence of imprisonment imposed on a juvenile shall be one month, regardless of the criminal offence.

(2) If the juvenile has not attained the age of sixteen years when committing the criminal offence, he shall not be subject to a sentence of imprisonment exceeding

a) ten years for a criminal offence punishable also by life imprisonment,

b) five years for a criminal offence punishable by imprisonment of more than five years.

(3) If the juvenile has attained the age of sixteen years when committing the criminal offence, he shall not be subject to a sentence of imprisonment exceeding

a) fifteen years for a criminal offence punishable also by life imprisonment,

b) ten years for a criminal offence punishable by imprisonment of more than ten years,

c) five years for a criminal offence punishable by imprisonment of more than five years.

(4) If paragraph (2) b) or paragraph (3) b) or c) applies, the periods specified therein shall apply to calculating the limitation period regarding liability to punishment,

(4a) For the purposes of the provisions pertaining to recidivists, the periods specified in paragraphs (2) to (3) shall apply.

(5) As regards a juvenile, the possibility of release on parole may be excluded pursuant to section 38 (4) e) only if he has attained the age of sixteen years when committing the criminal offence and was sentenced to imprisonment for ten years or more.

Section 110 (1) Imprisonment shall be enforced in a medium-security penal institution for juveniles if

a) the juvenile is sentenced to imprisonment for two years or more for committing a felony,

b) the juvenile sentenced to imprisonment for one year or more is a recidivist, or

c) within three years prior to committing the intentional criminal offence, the juvenile sentenced to imprisonment for one year or more was sentenced to special education in a juvenile correctional institution for committing an intentional criminal offence.

(2) Apart from the cases specified in paragraph (1), imprisonment shall be enforced in a low-security penal institution for juveniles.

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Confinement

Section 111 A sentence of confinement imposed on a juvenile shall not be shorter than three days or longer than thirty days.

Community service

Section 112 Community service may only be imposed on a juvenile if he has attained the age of sixteen years when the conclusive decision is passed.

Financial penalty

Section 113 (1) Financial penalty may only be imposed on a juvenile if he has his own earnings, income, or adequate assets.

(2) The number of daily units of a financial penalty imposed on a juvenile shall not be lower than fifteen or higher than two hundred and fifty; the amount of one daily unit shall not be less than seven hundred eighty or more than seventy-eight thousand forints.

(3) If a financial penalty imposed on a juvenile is not collectible, it shall be converted to

a) community service if permitted by section 112, or

b) imprisonment.

(4) For the purpose of determining community service that replaces financial penalty, one daily unit shall be equivalent to two hours of community service. In other respects, the provisions laid down in section 47 shall apply to community service replacing financial penalty, with the proviso that the period of community service may be different than those specified in section 47 (1).

(5) If a juvenile does not perform his service voluntarily, the community service or its remaining part shall be converted to imprisonment. In other respects, the provisions laid down in section 48 shall apply.

Disqualification from a profession

Section 113/A In cases deserving special consideration, the application of section 53 (2) against a juvenile may be dispensed with.

Expulsion

Section 114 A juvenile may be expelled if

a) he is sentenced to imprisonment for ten years or more,

b) his presence in the country would pose a significant threat to public safety, and

c) his right to respect for his family life is not violated.

Exclusion from participating in public affairs

Section 115 A juvenile may only be excluded from participating in public affairs if he is sentenced to imprisonment for over one year.

Release on probation

Section 116 (1) A juvenile may be released on probation in relation to any criminal offence.

(2) The probation period shall not be shorter than one year or longer than two years.

(3) In a case specified in section 66 (1), the court shall order special education in a juvenile correctional institution or impose a penalty.

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Reparation work

Section 117 A juvenile may only be subject to reparation work if he has attained the age of sixteen years when the conclusive decision is passed.

Ban on entering certain areas

Section 118 If a juvenile has an appropriate family environment, he may not be banned from the settlement in which his family lives.

Probation supervision

Section 119 (1) During the period of

a) parole,

b) release on probation,

c) probation period of a sentence of suspended imprisonment,

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d) temporary release from a juvenile correctional institution,

e) conditional suspension by the prosecutor,

a juvenile shall be subject to probation supervision.

(2) If a juvenile is sentenced to reparation work then he shall also be subject to probation supervision.

(3) Section 71 (4) shall not apply to a juvenile.

Special education in a juvenile correctional institution

Section 120 (1) Special education in a juvenile correctional institution may be ordered by a court if placement in a juvenile correctional institution is necessary for a juvenile to be raised successfully. A person may not be sentenced to special education in a juvenile correctional institution if he has attained the age of twenty years when the conclusive decision is passed.

(2) The period of special education in a juvenile correctional institution shall not be shorter than one year or longer than four years.

Section 121 (1) If special education in a juvenile correctional institution is ordered, the court shall establish that the juvenile may be released from the juvenile correctional institution temporarily after serving half of his period of special education in a juvenile correctional institution if

a) he has served at least one year in the juvenile correctional institution, and

b) there is reasonable ground to believe that the objective of the measure can be achieved without any further special education in a juvenile correctional institution.

(2) The period of temporary release shall be equal to the remaining period of special education in a juvenile correctional institution, but it may not be shorter than one year.

(3) The court shall terminate temporary release if the juvenile is sentenced to imprisonment, with the exception specified in section 122, or special education in a juvenile correctional institution during the period of temporary release. If the court imposes another penalty or applies another measure on the juvenile, temporary release may be terminated.

(4) If temporary release is terminated, the period spent on temporary release shall not be credited to the period of special education in a juvenile correctional institution.

Section 122 If a juvenile is sentenced to imprisonment to be served during the period of special education in a juvenile correctional institution or of temporary release for a criminal offence committed after he was sentenced to special education in a juvenile correctional institution, the sentence of imprisonment shall be enforced. In such a case, the remaining period of special education in a juvenile correctional institution shall be converted to imprisonment, replacing two days of special education in a juvenile correctional institution by one day of imprisonment.

Concurrent sentence and accumulative sentence

Section 123 (1) For a juvenile, a concurrent or accumulative sentence shall not exceed imprisonment for

a) twenty years in the case specified in section 109 (3) a),

b) fifteen years in the cases specified in section 109 (2) a) and (3) b),

c) seven years and six months in the cases specified in section 109 (2) b) and (3) c).

(2) The term of imprisonment applicable to a juvenile shall not exceed the periods specified in paragraph (1) a) and b), even if section 90 (2) is applied.

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(3) If special education in a juvenile correctional institution and imprisonment concur, imprisonment shall be enforced as accumulative sentence. The term of such a sentence may be extended by the court by up to one year if doing so is necessary to achieve the objective specified in section 106. The period of extension shall not reach the remaining period of special education in a juvenile correctional institution.

Consolidated measure

Section 124 (1) If the court determines multiple sentences of special education in a juvenile correctional institution for a juvenile and none of the sentences has been enforced by, or they are being enforced concurrently at, the time of ordering the consolidated measure, the court shall sentence the juvenile to special education in a juvenile correctional institution as a consolidated measure.

(2) The period of special education in a juvenile correctional institution ordered as a consolidated measure shall be determined so that it is not shorter than the longest period of special education in a juvenile correctional institution or longer than the sum of all periods of special education in a juvenile correctional institution ordered or four years.

Sentencing in the case of plea agreement

Section 124/A (1) If plea agreement is approved for a juvenile who had not attained the age of sixteen years when committing the criminal offence, and who, contributing to substantiating the case or another criminal case, has cooperated significantly with the prosecution service or the investigating authority, the juvenile may not be subject to a sentence of imprisonment exceeding

a) eight years for a criminal offence punishable also by life imprisonment,

b) three years for a criminal offence punishable by imprisonment of more than five years,

c) two years for a criminal offence punishable by imprisonment of more than three years,

d) six months for a criminal offence punishable by imprisonment of not more than three years.

(2) If plea agreement is approved for a juvenile who had attained the age of sixteen years when committing the criminal offence, and who, contributing to substantiating the case or another criminal case, has cooperated significantly with the prosecution service or the investigating authority, the juvenile may not be subject to a sentence of imprisonment exceeding

a) ten years for a criminal offence punishable also by life imprisonment,

b) eight years for a criminal offence punishable by imprisonment of more than ten years,

c) three years for a criminal offence punishable by imprisonment of more than five years,

d) two years for a criminal offence punishable by imprisonment of more than three years,

e) six months for a criminal offence punishable by imprisonment of not more than three years.

(3) When sentencing, the penalty range under paragraphs (1) and (2) shall be taken as reference

a) for concurrence of criminal offences,

b) regarding a special, a multiple or a violent multiple recidivist, or

c) if the criminal offence was committed in a criminal organisation.

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Crediting remand detention and criminal supervision

Section 125 (1) The entire period of a remand detention, or of a criminal supervision during which, as prescribed by the court, the defendant was not allowed to leave a home, other premises, an institute or a fenced area of it without permission, shall be credited to the term of special education in a juvenile correctional institution ordered.

(2) For the purpose of crediting, one day of special education in a juvenile correctional institution shall be equivalent to

a) one day served in remand detention, and

b) three days served under criminal supervision under paragraph (1).

(3) Any period remaining after crediting shall be considered equivalent to one day of special education in a juvenile correctional institution.

Expungement

Section 126 (1) A juvenile convict shall be granted expungement by virtue of the Act

a) on the day when the conclusive decision becomes final and binding, if enforcement of a sentence of imprisonment is suspended,

b) on the day when the sentence is served or its enforceability ceases, if he was sentenced to imprisonment for not more than one year for an intentional criminal offence,

c) three years after the sentence is served or its enforceability ceases, if he was sentenced to imprisonment to be served for over one year but not more than five years for an intentional criminal offence.

(2) The court may grant expungement to a juvenile upon request after serving a sentence of imprisonment of over one year for an intentional criminal offence if he is worthy of expungement.

CHAPTER XII

PROVISIONS ON SOLDIERS

Perpetrators

Section 127 (1) For the purposes of this Act, soldier means a member of the Hungarian Defence Forces, or a professional member of the police, the Parliamentary Guard, the prison service, the professional disaster management organ, or the civil national security services.

(2) The provisions of this Act shall apply to soldiers with the derogations specified in this Chapter.

(3) Only a soldier can commit a military criminal offence as offender.

Criminal offence against a soldier of another state

Section 128 (1) A soldier shall be punished under Chapter XLV if he commits a military criminal offence

a) against a soldier of an allied armed force, or

b) against a soldier of another state under the framework of humanitarian activities, peacekeeping or humanitarian operations conducted in a foreign operational area, or in the course of other service abroad

while performing a service task jointly.

(2) For the purpose of paragraph (1) a), a soldier of an allied armed force means also a member of the police or civil defence service of the state of the allied armed force; for the purpose of paragraph (1) b), a soldier of another state means also a member of the police or civil defence service of the other state.

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Section 129 A soldier shall be punished according to Chapter XLV if he commits a military criminal offence

a) while serving in an allied armed force,

b) under the framework of humanitarian activities, peacekeeping or humanitarian operations conducted in a foreign operational area.

Reasons for excluding liability to punishment

Section 130 (1) A soldier shall not be liable to punishment for an act he was ordered to perform, unless he knew that carrying out the order would constitute a criminal offence.

(2) Also the person giving the order shall be liable for a criminal offence committed upon order as an offender if the soldier knew that carrying out the order would constitute a criminal offence; otherwise, the person giving the order shall be liable as an indirect offender.

Reason for terminating liability to punishment

Section 131 Apart from the cases specified in section 66 (1), the perpetrator shall not be liable to punishment for a military misdemeanour if his service period expired at least one year ago.

Military detention facility

Section 132 (1) If the convict can be held in service, the court shall order the sentence of imprisonment for not more than one year for a misdemeanour, or the confinement to be enforced in a military detention facility, unless the convict is a recidivist.

(2) If the convict is discharged from service, the sentence or the remaining period of it shall be served in a low-security penal institution.

Accumulative sentence

Section 133 The provisions laid down in section 132 shall apply to the enforcement of a sentence of imprisonment imposed as an accumulative sentence.

Exclusion of community service

Section 134 A soldier shall not be sentenced to community service during the period of his service.

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Military penalties

Section 135 (1) A soldier may be sentenced to

a) demotion or

b) discharge from service

in addition to another penalty or, if the maximum of the penalty range applicable to the criminal offence does not exceed three years of imprisonment, independently.

(2) A military penalty shall not be applied if a soldier is excluded from participating in public affairs.

(3) A penalty of discharge from service shall not be applied to a person obliged to perform military service.

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Military secondary penalties

Section 136 (1) A soldier may be sentenced to
a) reduction in rank or
b) extension of waiting period
in addition to a penalty.
(2) A military secondary penalty shall not be applied in addition to a military penalty or if the soldier is excluded from participating in public affairs.

Demotion

Section 137 (1) A demoted soldier shall be deprived of his rank and titular rank.
(2) Demotion shall be applied if the perpetrator became unworthy of his rank.

Discharge from service

Section 138 Discharge from service may be applied if the perpetrator became unworthy of the service.

Reduction in rank

Section 139 (1) If a soldier is reduced in rank, he shall be reclassified to a rank one step below the rank he holds when the criminal offence is adjudged.
(2) Reduction in rank shall be applied if the criminal offence violated the integrity of the rank, but demotion is not necessary.
(3) In addition to reduction in rank, the period to be spent in the lower rank shall be set to a period between one and two years.

Extension of waiting period

Section 140 (1) If the waiting period is extended, the waiting period of a member of the Hungarian Defence Forces or a member of the professional personnel of a civilian national security service before he is promoted to a subsequent rank shall be extended. The extension period shall be determined in years, and it may not exceed half of the waiting period for the respective rank.
(1a) If the waiting period of a professional member of the police, the Parliamentary Guard, the prison service, or the professional disaster management organ is extended, the period of waiting for being promoted into a subsequent pay step shall be extended. The extension period shall be determined in years, and it may not exceed half of the waiting period for the respective pay step.
(2) The waiting period shall be extended if the soldier is to serve a longer waiting period before being promoted in rank or pay step.
(3) For members of the Hungarian Defence Forces, the waiting period specified in paragraphs (1) and (2) shall be construed to mean a mandatory waiting period.

Expungement with regard to the adverse consequences of having a criminal record

Section 141 (1) If demotion or discharge is applied, expungement shall take effect by virtue of the Act on the day when the conclusive decision becomes final and binding.
(2) If a sentence of imprisonment is to be served in a military detention facility, the court may grant the convict expungement in advance in its conclusive decision with regard to the adverse consequences of having a criminal record. Such expungement shall take effect on the day when the sentence is served or its enforceability ceases.

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(3) The application of a military secondary penalty shall not be an obstacle to granting expungement to the convict.

SPECIAL PART

CHAPTER XIII

CRIMES AGAINST HUMANITY

Genocide

Section 142 (1) A person who, for the purpose of destroying, in whole or in part, a national, ethnic, racial or religious group,

a) kills members of the group,

b) causes grievous bodily or mental harm to members of the group,

c) coerces the group to live under living conditions that threaten the destruction of the group or its individual members,

d) takes measures aimed at preventing births within the group,

e) forcibly transfers children of the group to another group,

is guilty of a felony and shall be punished by imprisonment for ten to twenty years or life.

(2) A person who commits preparation for genocide shall be punished by imprisonment for two to eight years.

Crime against humanity

Section 143 (1) A person who, as part of a widespread or systematic attack against a population,

a) commits homicide,

b) coerces the population or any part of it to live under living conditions that threaten the destruction of the population or its individual members,

c) displaces the population or any part of it from its lawful place of residence,

d) commits trafficking in human beings and forced labour,

e) deprives another person of his personal freedom or maintains his detention unlawfully,

f) coerces another person to commit or endure sexual violence, to engage in prostitution, to carry a foetus to term or to undergo abortion,

g) causes grievous bodily or mental harm to another person,

h) deprives a group identifiable by a political, national, ethnic, cultural, religious, sexual or other characteristic of its fundamental rights, or deprives a member of such a group of his fundamental rights due to being part of the group,

is guilty of a felony and shall be punished by imprisonment for ten to twenty years or life.

(2) A person who commits preparation for crime against humanity shall be punished by imprisonment for two to eight years.

(3) For the purposes of this section, a widespread or systematic attack against a civilian population means any conduct involving the multiple commission of acts referred to in paragraph (1) against a civilian population with a view to implementing or furthering the policies of a state or organisation.

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Apartheid

Section 144 (1) A person who, for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them,

a) kills members of a racial group or groups,

b) coerces a racial group or groups to live under living conditions that are aimed at the physical destruction of the group or groups in whole or in part,

is guilty of a felony and shall be punished by imprisonment for ten to twenty years or life.

(2) A person who commits any other crime of apartheid shall be punished by imprisonment for five to fifteen years.

(3) The punishment shall be imprisonment for ten to twenty years or life if the other crime of apartheid results in serious consequences.

(4) A person who commits preparation for apartheid shall be punished by imprisonment

a) for five to ten years in the case specified in paragraph (1),

b) for two to eight years in the case specified in paragraph (2).

(5) For the purposes of paragraphs (2) to (3), other crime of apartheid means the crimes of apartheid specified in Articles II (a) (ii), II (a) (iii), II(c), II(d), II(e), and II(f) of the International Convention on the Suppression and Punishment of the Crime of Apartheid adopted by the General Assembly of the United Nations on 30 November 1973 in New York and promulgated in Law-Decree 27 of 1976.

Responsibility of a military or official superior

Section 145 The following persons shall be subject to the same penalty as the perpetrator of a criminal offence specified in this Chapter:

a) a military superior or another person effectively acting as a military superior (for the purposes of this section hereinafter jointly “military superior”), if a person under his effective command and control or effective authority and control commits a criminal offence specified in this Chapter, and the military superior knew or, owing to the circumstances at the time, should have known of the commission of or preparation for the criminal offence, but he failed to take the measures within his power to prevent the criminal offence or he failed to report a criminal offence immediately after becoming aware of its commission;

b) an executive or foreign public officer not falling under the scope of point a) (for the purposes of this section hereinafter jointly “official superior”), if a person under his effective authority and control (for the purposes of this section hereinafter “subordinate”) commits a criminal offence specified in this Chapter as a result of his failure to exercise proper control, if

ba) he knew or consciously disregarded information which clearly indicated that his subordinate committed or prepared for such a criminal offence,

bb) the criminal offence concerns an activity within his effective responsibility and control, and

bc) he failed to take all necessary and reasonable measures within his power to prevent the commission of the criminal offence or he failed to report the criminal offence immediately after becoming aware of its commission.

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CHAPTER XIV

WAR CRIMES

Illegal recruitment

Section 146 (1) A person who, within the territory of Hungary, recruits into a foreign armed organisation other than an allied armed force for military service or for other service of military interest or acts as an agent for enrolling applicants for such service is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A Hungarian citizen who voluntarily joins or offers to join a foreign armed organisation engaged in an international or non-international armed conflict other than an allied armed force, or participates in training by such an armed organisation, shall be punished under paragraph (1).

(3) If a person recruited within or enrolled from the territory of Hungary for military service in a foreign armed organisation or other service of military interest has not attained the age of eighteen years, the recruiter or agent shall be punished by imprisonment for two to eight years.

Breach of armistice

Section 147 (1) A person who breaches the terms of an armistice is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for five to ten years if the breach of armistice results in particularly serious consequences.

Violence against a parlementaire

Section 148 (1) A person who assaults, unlawfully restrains or uses any other form of violence against an enemy parlementaire or his escort is guilty of a felony and shall be punished by imprisonment for up to three years, unless a criminal offence of greater gravity is established.

(2) A person who kills a parlementaire or his escort is guilty of a felony and shall be punished by imprisonment for ten to twenty years or life.

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Violence against protected persons

Section 149 (1) A person who, in a time of war,

a) directs an attack against protected persons, or

b) directs an attack that might cause the loss of life or serious injury to protected persons which would be clearly excessive in relation to the direct military advantage anticipated,

is guilty of a felony and shall be punished by imprisonment for ten to twenty years or life.

(2) A person who, in a time of war,

a) kills a protected person,

b) coerces a protected person to live under living conditions that threaten the destruction of the protected person,

c) coerces a protected person to commit or endure sexual violence, to engage in prostitution, to carry a foetus to term or to undergo an abortion,

d) deprives a protected person of his personal freedom unlawfully,

e) displaces or forcibly transfers a protected person from his lawful place of residence, unless doing so is imperatively demanded by the necessities of war,

shall be punished by imprisonment for ten to twenty years or life.

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(3) A person who, in a time of war, violates the patient autonomy of a protected person or causes grievous bodily or mental harm to a protected person shall be punished by imprisonment for five to fifteen years.

(4) A person who, in a time of war, deprives a protected person or a group of protected persons of his or their right to a fair and regular court procedure shall be punished by imprisonment for two to eight years.

(5) A person who commits preparation for a criminal offence specified in paragraph (1) or (2) shall be punished by imprisonment for one to five years.

Command to kill survivors

Section 150 A person who, in a time of war, commands or orders his subordinate not to leave any survivor is guilty of a felony and shall be punished by imprisonment for one to five years, unless a criminal offence of greater gravity is established.

Using human shield

Section 151 (1) A person who uses a protected person to defend a specific area or military forces against the enemy's military operations is guilty of a felony and shall be punished by imprisonment for five to ten years.

(2) A person who commits preparation for the criminal offence specified in paragraph (1) shall be punished by imprisonment for one to five years.

Illegal conscription

Section 152 (1) A person who

a) coerces a protected person to serve in the armed forces or an armed group of a power that is hostile towards the protected person,

b) coerces a national of a hostile power to take part in an operation of war directed against his own country

is guilty of a felony and shall be punished by imprisonment for five to ten years.

(2) A person who commits preparation for the criminal offence specified in paragraph (1) shall be punished by imprisonment for one to five years.

(3) A person who enlists or conscripts a person who has not attained the age of eighteen years into an armed force or group or induces such a person to participate in a war, or provides assistance or the conditions necessary to do so shall be punished by imprisonment for five to fifteen years.

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Attack on protected property

Section 153 (1) A person who, in a time of war, launches or continues an attack on a facility that is not a military objective and is not protected by military, or launches or continues an attack that causes such damage to a facility not protected by military or might cause such widespread, long-term and severe damage to the natural environment which is clearly excessive in relation to the direct military advantage anticipated, is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) The punishment shall be imprisonment for five to ten years if the attack is directed against

a) a hospital or another place where the sick and wounded are treated or placed, or

b) cultural goods protected under an international treaty.

(3) A person who utilises or uses cultural goods protected under an international treaty or their direct vicinity for military purposes or appropriates, pillages, damages or destroys such goods shall be punished under paragraph (2).

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(4) The punishment shall be imprisonment for five to fifteen years if a criminal offence specified in paragraph (2) b) or (3) is committed against cultural goods under special or enhanced protection by an international treaty or their direct vicinity.

(5) For the purposes of this section:

a) cultural goods means cultural property as defined in Article 1 of the Convention for the Protection of Cultural Property in the Event of Armed Conflict signed in The Hague on 14 May 1954 and promulgated in Law-Decree 14 of 1957,

b) cultural goods under special protection means cultural goods as defined in Article 8 of the treaty mentioned in point a),

c) cultural goods under enhanced protection means cultural goods as defined in Article 10 of the Second Protocol to the treaty mentioned in point a) as promulgated in Act XXIX of 2006.

Pillage

Section 154 (1) A person who, within an operational or occupied area in time of war,

a) pillages civilian goods,

b) deprives a population of goods necessary for subsistence by extorting services or other means, or destroys such goods, unless imperatively demanded by the necessities of war

is guilty of a felony and shall be punished by imprisonment for one to five years, unless a criminal offence of greater gravity is established.

(2) A person who pillages the fallen, wounded or sick on the battlefield shall be punished by imprisonment for two to eight years.

Use of a weapon prohibited by an international treaty

Section 155 (1) A person who, within an operational or occupied area in time of war, employs or has someone else employ a weapon or means of warfare prohibited by an international treaty is guilty of a felony and shall be punished by imprisonment for ten to twenty years or life.

(2) A person who commits preparation for a criminal offence specified in paragraph (1) shall be punished by imprisonment for one to five years.

Attack against a humanitarian organisation

Section 156 A person who, in a time of war, directs an attack against the personnel, installations, material, units or vehicles of a humanitarian, aid or peacekeeping organisation working in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to protected persons and facilities under the international law of armed conflict, is guilty of a felony and shall be punished by imprisonment for five to ten years.

Misuse of emblems or signs protected by international law

Section 157 A person who, in a time of war, misuses the emblem of the red cross, red crescent or red crystal, or any other emblem or sign used for similar purposes and protected under international law, is guilty of a felony and shall be punished by imprisonment for one to five years, unless a criminal offence of greater gravity is established.

Other war crimes

Section 158 Other war crimes and the punishment that may be imposed when such crimes are committed are provided for under ME Decree 81/1945 (5 February) of the Prime Minister, as enacted by Act VII of 1945 and amended and supplemented by ME Decree 1440/1945 (1 May) of the Prime Minister.

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Responsibility of a military or official superior

Section 159 The following persons shall be subject to the same penalty as the perpetrator of a criminal offence specified in this Chapter:

a) a military superior or another person effectively acting as a military commander (for the purposes of this section hereinafter jointly "military superior"), if a person under his effective command and control or effective authority and control commits a criminal offence specified in this Chapter, and the military superior knew or, owing to the circumstance at the time, should have known of the commission of or preparation for the criminal offence, but he failed to take the measures within his power to prevent the criminal offence or he failed to report the criminal offence immediately after becoming aware of its commission;

b) an executive or foreign public officer not falling under the scope of point a) (for the purposes of this section hereinafter jointly "official superior"), if a person under his effective authority and control (for the purposes of this section hereinafter "subordinate") commits a criminal offence specified in this Chapter as a result of his failure to exercise proper control, if

ba) he knew or consciously disregarded information which clearly indicated that his subordinate committed or prepared for such a criminal offence,

bb) the criminal offence concerns an activity within his effective responsibility and control, and

bc) he failed to take all necessary and reasonable measures within his power to prevent the commission of the criminal offence or he failed to report a criminal offence immediately after becoming aware of its commission.

CHAPTER XV

CRIMINAL OFFENCES AGAINST LIFE, PHYSICAL INTEGRITY, AND HEALTH

Homicide

Section 160 (1) A person who kills another person is guilty of a felony and shall be punished by imprisonment for five to fifteen years.

(2) The punishment shall be imprisonment for ten to twenty years or life if homicide is committed

a) with premeditation,

b) out of greed,

c) for a base reason or purpose,

d) with special cruelty,

e) against a public officer or foreign public officer during or due to his official procedure, or against a person performing public duties in the course of performing such duties, or against a person who attempts to assist or defend a public officer, foreign public officer or person performing public duties,

f) against multiple persons,

g) endangering the life of multiple persons,

h) by a special recidivist,

i) against a person who has not attained the age of fourteen years,

j) against a person who is incapable of self-defence,

k) against a person with limited ability to avert the criminal offence due to his old age or disability, or

l) after the perpetrator is indicted of homicide.

(3) A person who commits preparation for homicide shall be punished by imprisonment for one to five years.

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(4) A person who commits homicide by negligence is guilty of a misdemeanour and shall be punished by imprisonment for one to five years.

(5) A person who induces a person who has not attained the age of fourteen years, or a person who is unable to express his will, to commit suicide shall be punished under paragraph (1), if the suicide is committed.

(6) For the purposes of paragraph (2) h) and with regard to special recidivism, the following criminal offence shall be considered similar:

a) genocide [section 142 (1) a)], homicide in the heat of passion (Section 161),

b) aggravated forms of kidnapping and violence against a military superior or a serving officer [sections 190 (4) and 445 (5) a)],

c) aggravated forms of terrorist act, unlawful seizure of a vehicle, and mutiny, if committed by causing death intentionally [sections 314 (1), 320 (2), and 442 (4)].

(7) Paragraph (2) l) shall apply only if the perpetrator

a) is convicted in the same proceeding of both the homicide committed after the indictment and the homicide committed earlier, or

b) was convicted with final and binding effect of the homicide committed earlier.

Homicide in the heat of passion

Section 161 A person who kills another person in the heat of passion caused by a legitimate reason is guilty of a felony and shall be punished by imprisonment for two to eight years.

Participating in suicide

Section 162 (1) A person who induces or provides assistance for another person to commit suicide is guilty of a felony and shall be punished by imprisonment for one to five years if the suicide is attempted or committed.

(2) A person who has attained the age of eighteen years who induces or provides assistance for a person who has not attained the age of eighteen years to commit suicide shall be punished by imprisonment for two to eight years if the suicide is attempted or committed.

Illegal abortion

Section 163 (1) A person who performs an illegal abortion on another person is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the illegal abortion is committed

a) regularly for generating income,

b) without the consent of the pregnant woman, or

c) causing grievous bodily harm or danger to life.

(3) The punishment shall be imprisonment for two to eight years if the illegal abortion causes the death of the pregnant woman.

(4) A woman who performs an illegal abortion on herself or has someone else perform an illegal abortion on her is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

Causing bodily harm

Section 164 (1) A person who harms the physical integrity or health of another person commits the criminal offence of causing bodily harm.

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(2) If the harm or illness caused heals within eight days, the perpetrator is guilty of the misdemeanour of causing minor bodily harm and shall be punished by imprisonment for up to two years.

(3) If the harm or illness caused heals beyond eight days, the perpetrator is guilty of the felony of causing grievous bodily harm and shall be punished by imprisonment for up to three years.

(4) The perpetrator is guilty of a felony and shall be punished by imprisonment for up to three years if causing minor bodily harm is committed

a) for a base reason or purpose,

b) against a person who is incapable of self-defence or unable to express his will, or

c) against a person with limited ability to avert the criminal offence due to his old age or disability.

(5) The punishment shall be imprisonment for one to five years if the causing of minor bodily harm causes a permanent disability or any serious degradation of health.

(6) The punishment shall be imprisonment for one to five years if the causing of grievous bodily harm is committed

a) for a base reason or purpose,

b) against a person who is incapable of self-defence or unable to express his will,

c) against a person with limited ability to avert the criminal offence due to his old age or disability,

d) by causing a permanent disability or any serious degradation of health,

e) with special cruelty.

(7) A person who commits preparation for a criminal offence specified in paragraph (3) or (6) is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(8) The punishment shall be imprisonment for two to eight years if the causing of bodily harm causes any danger to life or death.

(9) A person who commits causing grievous bodily harm by negligence is guilty of a misdemeanour and shall be punished by imprisonment for

a) up to one year in the case specified in paragraph (3),

b) up to three years in the cases specified in paragraph (6) b) to c),

c) one to five years if the harm caused poses a danger to life.

(10) The criminal offence specified in paragraph (2) shall only be punishable upon private motion.

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Endangering by professional misconduct

Section 165 (1) A person who exposes the life, physical integrity or health of one or more other persons to a direct danger or causes bodily harm by violating a rule of a profession by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) The punishment shall be imprisonment for

a) up to three years if the criminal offence causes a permanent disability, serious degradation of health or mass catastrophe,

b) one to five years if the criminal offence causes death,

c) two to eight years if the criminal offence causes the death of more than two persons or a fatal mass catastrophe.

(3) If the perpetrator causes the direct danger intentionally, he is guilty of a felony and shall be punished by imprisonment for up to three years in the case specified in paragraph (1), or one to five, two to eight or five to ten years in the case specified in paragraph (2) according to the distinctions made there.

(4) For the purposes of this section, rules of a profession include rules pertaining to the use and handling of a functioning gun, a detonator, or an explosive.

Failure to render aid

Section 166 (1) A person who fails to render the aid that could be reasonably expected from him to a person who is injured or whose life or physical integrity is in direct danger is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The perpetrator is guilty of a felony and shall be punished by imprisonment for up to three years if the aggrieved party dies and the aid could have saved him.

(3) The perpetrator is guilty of a felony and shall be punished by imprisonment for up to three years in the case specified in paragraph (1), or one to five years in the case specified in paragraph (2), if the risk situation was caused by the perpetrator or if he was otherwise obliged to render aid.

(4) The last part of paragraph (3) shall not be applied with regard to a person who is obliged to render aid under the rules of traffic.

Failure to meet an obligation to provide care

Section 167 A person who fails to meet his obligation to provide care to a person who is unable to care for himself due to his condition or old age and by doing so endangers the life, physical integrity or health of the person in need of care is guilty of a felony and shall be punished by imprisonment for up to three years.

CHAPTER XVI

CRIMINAL OFFENCES AGAINST THE RULES OF MEDICAL INTERVENTION AND RESEARCH

Intervention to modify the human genome

Section 168 (1) A person who carries out an intervention on the genome of a human being, a foetus or a human embryo seeking to modify it is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if the intervention under paragraph (1) results in the modification of the genome.

Illegal use of human gamete

Section 169 (1) A person who uses a gamete from a deceased person or foetus in a special procedure for human reproduction is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person who commits preparation for the illegal use of human gamete is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

Choosing the sex of an unborn child

Section 170 A person who carries out an intervention seeking to choose the sex of an unborn child is guilty of a felony and shall be punished by imprisonment for one to five years.

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Violation of the rules of research on humans

Section 171 A person who carries out medical research on a human without authorisation or in deviation from it is guilty of a felony and shall be punished by imprisonment for one to five years.

Violation of the rules of research on embryos and gametes

Section 172 (1) A person who carries out medical research on a human gamete or human embryo without authorisation or in deviation from it, or creates a human embryo for research purposes, is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person who

a) transplants a human embryo into an animal,

b) uses a human and an animal gamete for cross-fertilisation,

c) implants a human embryo that was subject to research into a human,

d) uses a human gamete that was used for research for human reproduction,

e) uses a non-human gamete or embryo for human fertilisation or embryo implantation,

f) uses a human embryo for the production of multiple human or animal embryos,

shall be punished by imprisonment for two to eight years.

(3) A person who commits preparation for a criminal offence specified in paragraph (2) is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(4) For the purposes of this section, human gamete also means gamete from an embryo.

Section 173 (1) A person who carries out research seeking to modify the genome of an embryo on a human embryo is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person who

a) uses a human embryo to produce a specimen with characteristics different from or additional to those determined upon conception, or

b) separates the cells of a human embryo,

shall be punished by imprisonment for two to eight years.

(3) A person who carries out preparations for a criminal offence specified in paragraph (2) is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

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Creating genetically identical human beings

Section 174 (1) A person who creates genetically identical human specimens in the course of medical research or intervention is guilty of a felony and shall be punished by imprisonment for five to ten years.

(2) A person who commits preparation for a criminal offence specified in paragraph (1) shall be punished by imprisonment for up to three years.

Illegal use of a human body

Section 175 (1) A person who acquires illegally, places on the market for financial gain or trades in human genes, cells, gametes, embryos, organs, tissues, whole corpses or parts thereof or dead foetuses is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the illegal use of a human body is committed by an employee of a healthcare service provider relating to his profession.

(3) The punishment shall be imprisonment for one to five years in the case specified in paragraph (1) or two to eight years in the case specified in paragraph (2) if the illegal use of a human body is committed

a) against a person who has not attained the age of eighteen years,

b) regularly for generating income, or

c) in a criminal conspiracy.

(4) A person who commits preparation for the illegal use of a human body is guilty of a misdemeanour and shall be punished by imprisonment for up to one year in the case specified in paragraph (1) or up to two years in the cases specified in paragraphs (2) and (3).

(5) For the purposes of this section, embryo also means an embryo outside a mother's body and an embryo produced during a special procedure for human reproduction that was not implanted into a womb.

CHAPTER XVII

CRIMINAL OFFENCES ENDANGERING HEALTH

Drug trafficking

Section 176 (1) A person who offers, hands over, places on the market, or trades in, drugs is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) The punishment shall be imprisonment for five to ten years if the criminal offence is committed

a) in a criminal conspiracy,

b) by a public officer or a person performing public duties using that capacity, or

c) on the premises of the Hungarian Defence Forces, a law enforcement organ, a civilian national security service or the National Tax and Customs Administration.

(3) The punishment shall be imprisonment for five to twenty years or life if the criminal offence is committed with a significant quantity of drugs.

(4) A person who provides material means for the commission of a criminal offence specified in paragraphs (1) to (3) shall be punished under the respective paragraph.

(5) A person who offers or hands over a small quantity of drugs

a) is guilty of a misdemeanour and shall be punished by imprisonment for up to two years in the case specified in paragraph (1),

b) shall be punished by imprisonment for one to five years in the cases specified in paragraphs (2) b) to c).

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(6) A person who

a) commits preparation for a criminal offence specified in paragraph (1) or (2) shall be punished by imprisonment for up to three years,

b) commits preparation for a criminal offence specified in paragraph (3) shall be punished by imprisonment for one to five years.

Section 177 (1) A person who has attained the age of eighteen years who

a) offers or hands over drugs to a person who has not attained the age of eighteen years,

b) places on the market or trades in drugs using a person who has not attained the age of eighteen years,

c) within a building used for educational, public upbringing, child welfare or child protection activities or within the direct vicinity of such a building,

ca) offers, hands over,

cb) places on the market or trades in drugs

is guilty of a felony and shall be punished by imprisonment for five to ten years.

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(2) The punishment shall be imprisonment for five to twenty years or life if the criminal offence is committed

a) with a significant quantity of drugs,

b) in a criminal conspiracy,

c) by a public officer or a person performing public duties using that capacity.

(3) A person who provides material means for the commission of a criminal offence specified in paragraphs (1) to (2) shall be punished under the respective paragraph.

(4) A person who commits a criminal offence specified in paragraph (1) a) or ca) with a small quantity of drugs shall be punished by imprisonment for one to five years; a person who commits that criminal offence as a public officer or a person performing public duties using that capacity shall be punished by imprisonment for two to eight years.

(5) A person who commits preparation for a criminal offence specified in paragraph (1) or (2) shall be punished by imprisonment for up to three years.

Drug possession

Section 178 (1) A person who cultivates, produces, acquires, keeps or imports to, exports from or transports through the territory of the country any drug is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment

a) for two to eight years if the criminal offence is committed

aa) regularly for generating income,

ab) in a criminal conspiracy,

ac) by a public officer or a person performing public duties using that capacity,

b) for five to ten years if the criminal offence is committed with a significant quantity of drugs,

c) for five to fifteen years if the criminal offence is committed with a particularly significant quantity of drugs.

(3) A person who provides material means for the commission of a criminal offence specified in paragraphs (1) to (2) shall be punished under the respective paragraph.

(4) A person who commits preparation for a criminal offence specified in paragraphs (1) to (2) is guilty of a felony and shall be punished by imprisonment for up to three years.

(5) If the criminal offence is committed with a small quantity of drugs, the punishment shall be imprisonment for

a) up to two years in the case specified in paragraph (1) for committing a misdemeanour,

b) up to three years in the cases specified in paragraph (2) aa) and ac).

(6) A person who consumes drugs or acquires or keeps a small quantity of drugs for consumption is guilty of a misdemeanour and shall be punished by imprisonment for up to two years, unless a criminal offence of greater gravity is established.

Section 179 (1) A person who has attained the age of eighteen years who

a) using a person who has not attained the age of eighteen years, or

b) within a building used for educational, public upbringing, child welfare or child protection activities or within the direct vicinity of such a building,

cultivates, produces, acquires or keeps drugs is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) A person who has attained the age of eighteen years who imports to, exports from or transports through the territory of the country any drug using a person who has not attained the age of eighteen years is guilty of a felony and shall be punished under paragraph (1).

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(3) The punishment shall be imprisonment

a) for five to ten years if the criminal offence is committed

aa) in a criminal conspiracy,

ab) regularly for generating income,

ac) by a public officer or a person performing public duties using that capacity,

b) for five to fifteen years if the criminal offence is committed with a significant quantity of drugs,

c) for five to twenty years or life if the criminal offence is committed with a particularly significant quantity of drugs.

(4) A person who provides material means for the commission of a criminal offence specified in paragraphs (1) to (3) shall be punished under the respective paragraph.

(5) A person who commits preparation for a criminal offence specified in paragraphs (1) to (3) is guilty of a felony and shall be punished by imprisonment for up to three years.

(6) If the criminal offence is committed with a small quantity of drugs, the punishment shall be imprisonment for

a) up to two years in the cases specified in paragraphs (1) and (2),

b) one to five years in the cases specified in paragraph (3) ab) and ac)

for committing a felony.

Section 180 (1) A person who cultivates, produces, acquires or keeps a small quantity of drugs for his personal use or consumes drugs shall not be liable to punishment if he admits to committing a criminal offence and presents a document before a first instance conclusive decision is adopted as confirmation that he received continuous medical treatment for drug addiction or other treatment for drug use or he attended another preventive-informative service for a period of at least six months.

(2) Paragraph (1) shall not apply if, within two years before committing the criminal offence,

a) proceedings against the perpetrator were suspended for the reason for terminating liability to punishment specified in paragraph (1), or

b) the criminal liability of the perpetrator for drug trafficking or drug possession was established.

(3) In the cases specified in sections 178 (1) and (5) to (6) or sections 179 (1) to (2) and (6), if paragraph (1) does not apply, the punishment may be reduced without limitation if the perpetrator enables the identification of the person selling the drugs before being indicted. This provision shall not apply if the criminal offence is committed in a criminal organisation.

MINISTRY OF JUSTICE HUNGARY

Inciting substance abuse

Section 181 (1) A person who has attained the age of eighteen years who

a) induces or seeks to induce a person who has not attained the age of eighteen years to abuse a narcotic substance or agent not classified as a drug, or

b) seeks to induce a person who has not attained the age of eighteen years to consume drugs

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person who has attained the age of eighteen years who provides assistance for a person who has not attained the age of eighteen years to abuse a narcotic substance or agent not classified as a drug shall be punished under paragraph (1), unless a criminal offence of greater gravity is established.

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Facilitating drug production

Section 182 (1) A person who, for the purpose of cultivating or producing drugs,

a) makes, acquires or imports to, exports from or transports through the territory of the country or hands over,

b) places on the market or trades in

any material, equipment or device needed for that purpose, is guilty of a felony and shall be punished by imprisonment for one to five years, unless a criminal offence of greater gravity is established.

(2) A person who provides material means for the commission of this criminal offence shall be punished under paragraph (1).

(3) The punishment shall be imprisonment for two to eight years if

a) the criminal offence specified in paragraph (1) is committed in a criminal conspiracy, or

b) the criminal offence specified in paragraph (1) a) is committed regularly for generating income.

(4) A person who commits preparation for the criminal offence specified in paragraph (1) or (3) is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(5) A person shall not be liable to punishment, if before the authority becomes aware of his facilitation of drug production, he informs the authorities of his actions, hands over any and all materials, equipment, and devices in his possession to the authorities, and enables the identification of other persons involved in the facilitation of drug production.

Abuse of drug precursors

Section 183 (1) A person who

a) without or exceeding the limits of a licence keeps, places on the market, transports or carries out any intermediary activity regarding,

b) acquires by making any false statement

a drug precursor as defined in a legal act of the European Union is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who violates his notification obligation regarding the placing on the market or transport of a drug precursor, as defined in a legal act of the European Union, or the pursuit of any related intermediary activity is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(3) For the purposes of this section:

a) legal act of the European Union means Regulation (EC) No 273/2004 on drug precursors (for the purposes of this section “Regulation (EC) No 273/2004”) and Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors (for the purposes of this section “Regulation (EC) No 111/2005”),

b) placing on the market means the term defined in Article 2(c) of Regulation (EC) No 273/2004,

c) transport means the term defined in Article 2(c) and (d) of Regulation (EC) No 111/2005,

d) intermediary activity means the term defined in Article 2(e) of Regulation (EC) No 111/2005,

e) notification obligation means the obligations specified in Article 8(1) of Regulation (EC) No 273/2004 and in Article 9(1) of Regulation (EC) No 111/2005.

MINISTRY OF JUSTICE HUNGARY

Abuse of new psychoactive substances

Section 184 (1) A person who offers, hands over, places on the market, or trades in, a new psychoactive substance is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if the criminal offence is committed

a) in a criminal conspiracy,

b) by a public officer or a person performing public duties using that capacity, or

c) on the premises of the Hungarian Defence Forces, a law enforcement organ, a civilian national security service or the National Tax and Customs Administration.

(2a) The punishment shall be imprisonment for five to ten years if the criminal offence is committed with a significant quantity of a new psychoactive substance.

(3) A person who provides material means for the commission of a criminal offence specified in paragraphs (1) to (2a) shall be punished under the respective paragraph.

(4) A person who offers or hands over a small quantity of a new psychoactive substance

a) is guilty of a misdemeanour and shall be punished by imprisonment for up to one year in the case specified in paragraph (1),

b) is guilty of a felony and shall be punished by imprisonment for up to three years in the cases specified in paragraph (2) b) to c).

(5) A person who commits preparation for the criminal offence specified in paragraphs (1) to (2a) is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

Section 184/A (1) A person who has attained the age of eighteen years who

a) offers or hands over a new psychoactive substance to a person who has not attained the age of eighteen years,

b) places on the market, or trades in, a new psychoactive substance using a person who has not attained the age of eighteen,

c) within a building used for educational, public upbringing, child welfare or child protection activities, or within the direct vicinity of such a building,

ca) offers, hands over,

cb) places on the market, or trades in, a new psychoactive substance

is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) The punishment shall be imprisonment for five to ten years if the criminal offence is committed

a) in a criminal conspiracy,

b) by a public officer or a person performing public duties using that capacity,

c) with a significant quantity of a new psychoactive substance.

(3) A person who provides material means for the commission of a criminal offence specified in paragraphs (1) to (2) shall be punished under the respective paragraph.

(4) A person who commits a criminal offence specified in paragraph (1) a) or (1) c) ca) with a small quantity of a new psychoactive substance shall be punished by imprisonment for up to three years; a person who commits that criminal offence as a public officer or a person performing public duties using that capacity shall be punished by imprisonment for one to five years.

(5) A person who commits preparation for the criminal offence specified in paragraph (1) or (2) is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

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Section 184/B (1) A person who

a) produces or imports to, exports from or transports through the territory of the country a new psychoactive substance,

b) acquires or keeps more than a small quantity of a new psychoactive substance

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence is committed

a) regularly for generating income,

b) in a criminal conspiracy,

c) by a public officer or a person performing public duties using that capacity.

(2a) The punishment shall be imprisonment for two to eight years if the criminal offence is committed with a significant quantity of a new psychoactive substance.

(2b) The punishment shall be imprisonment for five to ten years if the criminal offence is committed with a particularly significant quantity of a new psychoactive substance.

(3) A person who provides material means for the commission of a criminal offence specified in paragraphs (1) to (2b) shall be punished under the respective paragraph.

(4) A person who commits preparation for a criminal offence specified in paragraphs (1) to (2b) is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(5) If the criminal offence is committed with a small quantity of a new psychoactive substance, the perpetrator is guilty of a misdemeanour and shall be punished by imprisonment

a) for up to one year in the case specified in paragraph (1) a),

b) is guilty of a misdemeanour and shall be punished by imprisonment for up to two years in the cases specified in paragraph (2) a) and c).

Section 184/C (1) A person who has attained the age of eighteen years who

a) using a person who has not attained the age of eighteen years

aa) produces or imports to, exports from or transports through the territory of the country a new psychoactive substance,

ab) acquires or keeps more than a small quantity of a new psychoactive substance,

b) within a building used for educational, public upbringing, child welfare or child protection activities, or within the direct vicinity of such a building

ba) produces a new psychoactive substance,

bb) acquires or keeps more than a small quantity of a new psychoactive substance

is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if the criminal offence is committed

a) in a criminal conspiracy,

b) regularly for generating income,

c) by a public officer or a person performing public duties using that capacity.

(2a) The punishment shall be imprisonment for five to ten years if the criminal offence is committed with a significant quantity of a new psychoactive substance.

(2b) The punishment shall be imprisonment for five to fifteen years if the criminal offence is committed with a particularly significant quantity of a new psychoactive substance.

(3) A person who provides material means for the commission of a criminal offence specified in paragraphs (1) to (2b) shall be punished under the respective paragraph.

(4) A person who commits preparation for a criminal offence specified in paragraphs (1) to (2b) is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

MINISTRY OF JUSTICE HUNGARY

(5) If the criminal offence is committed with a small quantity of a new psychoactive substance, the perpetrator is guilty of

a) a misdemeanour and shall be punished by imprisonment for up to two years in the cases specified in paragraph (1) a) aa) and b),

b) a felony and shall be punished by imprisonment for up to three years in the cases specified in paragraph (2) b) and c).

Section 184/D

Abuse of performance-enhancing substance

Section 185 (1) A person who, for the purpose of enhancing performance in sports,

a) produces,

b) offers, hands over, places on the market,

c) prescribes on a medical or veterinary prescription form

an illegal performance enhancing substance is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence is committed regularly for generating income or in a criminal conspiracy.

(3) The punishment shall be imprisonment for two to eight years if

a) a person who has not attained the age of eighteen years obtains an illegal performance enhancing substance as a result of the criminal offence,

b) a person who has attained the age of eighteen years commits the criminal offence specified in paragraph (1) a) or b) using a person who has not attained the age of eighteen years.

(4) A person who commits preparation for the abuse of performance-enhancing substance as specified in paragraphs (1) to (3) is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(5) A person who has attained the age of eighteen years who induces a person who has not attained the age of eighteen years to use an illegal performance enhancing substance or provides assistance for such a person to use an illegal performance enhancing substance is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(6) For the purposes of this section, illegal performance enhancing substance means a substance which, having regard to its active substance, is an anabolic agent, peptide hormone, growth factor or a related substance, or a hormone antagonist and modulator, and is specified by name in a government decree promulgating the International Convention against Doping in Sport or any amendment thereto.

MINISTRY OF JUSTICE HUNGARY

Counterfeiting of medicinal products

Section 185/A (1) A person who

a) counterfeits a medicinal product or veterinary medicinal product or makes a counterfeit medicinal product or veterinary medicinal product,

b) places on the market, trades in, or offers, or hands over unjustified quantities of, a counterfeit or counterfeited medicinal product or veterinary medicinal product, or a medicinal product or veterinary medicinal product not licensed in Hungary,

c) imports to, exports from, or transports through, the territory of the country, or acquires or keeps an unjustified quantity of, a counterfeit or counterfeited medicinal product or veterinary medicinal product,

d) acquires, keeps, imports to, exports from, or transports through, the territory of the country an unjustified quantity of a medicinal product or veterinary medicinal product not licensed in Hungary,

e) uses an original document pertaining to a medicinal product or veterinary medicinal product outside its intended use, for a commercial purpose,

f) within the legal supply chain, places on the market or trades in a medicinal product or veterinary medicinal product as regards which the continuity of the supply chain cannot be verified due to a violation of the rules on the supply of medicinal products

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) If the criminal offence specified in paragraph (1) is committed with medicinal products or veterinary medicinal products containing psychoactive substances specified in lists 3 and 4 of psychotropic substances in Annex 2 to BM Decree 78/2022 (28 December) of the Minister of Interior on controlled substances [hereinafter "BM Decree 78/2022"], or with the active substance of such medicinal products or veterinary medicinal products by failing to perform a notification obligation or without, or exceeding the limits of, a licence, the punishment shall be imprisonment for one to five years.

(2a) The perpetrator shall be punished under paragraph (2) if he places on the market, or trades in, a medicinal product, active medicinal substance, or veterinary product with content referred to in paragraph (2) without being entitled to do so.

(3) In the cases specified in paragraph (1) a) and b), the punishment shall be imprisonment for

a) one to five years if the criminal offence causes permanent disability or serious degradation of health,

b) two to eight years if the criminal offence causes death.

(4) In the case specified in paragraph (2), the punishment shall be imprisonment for

a) two to eight years if the criminal offence specified in paragraph (1) a) or b) causes permanent disability or serious degradation of health,

b) five to ten years if the criminal offence specified in paragraph (1) a) or b) causes death.

(5) A person who commits the criminal offence

a) if paragraph (1) a) to e), paragraph (2) or paragraph (2a) applies,

aa) as a healthcare worker,

ab) as an employee of an organisation holding a licence for manufacturing, wholesale trade or direct retail distribution, or

b) in a criminal conspiracy

shall be punished by imprisonment for one to five year in the case specified in paragraph (1), or two to eight years in the case specified in paragraphs (2) and (2a).

(6) The perpetrator shall be punished under paragraph (5) if the medicinal product or veterinary medicinal product referred to in paragraph (1) b) or f) or paragraph (2a) becomes available to a large audience through a press product, media service, or publication on an electronic communications network.

(7) A person who commits preparation for counterfeiting of medicinal products as specified in paragraphs (1) to (6) is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(8) For the purpose of this section:

a) unjustified quantity means a quantity that is clearly not intended for the purpose of satisfying the personal needs of a specific individual,

b) a medicinal product or veterinary medicinal product not licensed in Hungary also means a product where the active medicinal substance is used in violation of the legislative provisions pertaining to the composition of that product. A medicinal product without a marketing authorisation for Hungary shall be considered a licensed medicinal product if it is subjected to an activity specified in paragraph (1) b) or d) that may be pursued in a lawful manner after obtaining an authority licence or making a notification as required by law.

MINISTRY OF JUSTICE HUNGARY

Counterfeiting of medical products

Section 186 (1) A person who

a) counterfeits a medical product or makes a counterfeit medical product,

b) offers, hands over, places on the market, or trades in, a counterfeit or counterfeited medical product or a medical product not licensed in Hungary,

c) imports to, exports from, or transports through the territory of the country, or acquires or keeps an unjustified quantity of a counterfeit or counterfeited medical product,

d) imports to, exports from or transports through the territory of the country, or acquires or keeps an unjustified quantity of a medical product not licensed in Hungary,

e) uses an original document pertaining to a medical product outside its intended use, for a commercial purpose,

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) In the cases specified in paragraph (1) a) and b), the punishment shall be imprisonment for

a) one to five years if the criminal offence causes a permanent disability or serious degradation of health,

b) two to eight years if the criminal offence causes death.

(3) A person who commits the criminal offence specified in paragraph (1)

a) as a healthcare worker,

b) as an employee of an organisation holding a license for manufacturing, wholesale trade, or direct retail distribution, or

c) in a criminal conspiracy

shall be punished by imprisonment for one to five years.

(4) The perpetrator shall be punished under paragraph (3) if a counterfeit or counterfeited medical product or a medical product not licensed in Hungary becomes available to a large audience through a press product, media service, or publication on an electronic communications network.

(4a) A person who commits preparation for counterfeiting medical products as specified in paragraphs (1) to (4) is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(5) For the purposes of this section:

a) medical product means a medical device, in vitro diagnostic medical device, and investigational medicinal product;

b) unjustified quantity means a quantity that is clearly not intended for the purpose of satisfying the personal needs of a specific individual;

c) medical product not licensed in Hungary also means a medical device placed on the market without conducting a conformity assessment procedure.

Acting as a medical impostor

Section 187 (1) A person who engages, for consideration or regularly, in an activity falling within the scope of

a) medical practice,

b)

c) unconventional healing and natural medicine methods

without authorisation is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(1a) A person who performs, for consideration or regularly, healthcare services claiming, without authorisation, to be a psychotherapist shall be punished under paragraph (2).

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(2) The perpetrator is guilty of a felony and shall be punished by imprisonment for up to three years if he commits the criminal offence of acting as a medical impostor by pretending to be authorised to practice medicine.

(3) For the purposes of this section, a person is authorised to practice medicine if:

a) he holds a degree in general medicine or dentistry from a domestic university,

b) he holds a degree in general medicine or dentistry from a foreign university, provided that the degree is recognised in Hungary and an equivalence clause is attached,

c) he is a foreign citizen holding a licence to practice medicine without having his degree recognised,

provided that he is not disqualified from practicing medicine.

(4) The perpetrator of the criminal offence of acting as a medical impostor may also be subject to a ban on entering certain areas.

Abuse of poison

Section 188 (1) A person who makes, keeps, uses, or places on the market a poison without being entitled to do so, or fails to take the prescribed measures aimed at preventing the abuse of poisons or the endangering of other persons is guilty of a misdemeanour and shall be punished by confinement, unless a criminal offence of greater gravity is established.

(2) For the purposes of this section, a poison means a hazardous substance or mixture which, due to its toxicological characteristics, endangers human life or may cause serious injury or serious damage to health if inhaled, swallowed or absorbed through the skin.

Abuse of harmful consumer products

Section 189 (1) A person who makes or keeps a consumer product that is harmful to health for the purpose of placing on the market is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person who places on the market a harmful consumer product is guilty of a felony and shall be punished by imprisonment for up to three years.

(3) The punishment shall be imprisonment for one to five years if the criminal offence is committed

a) regarding harmful consumer products of a significant quantity or value,

b) in a criminal conspiracy, or

c) regularly for generating income.

(4) A person who commits the criminal offence specified in paragraph (2) by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(5) The perpetrator of a criminal offence specified in paragraph (1) or (4) shall not be liable to punishment if he takes all measures to re-take possession of the harmful consumer product or to prevent it from being placed on the market as soon as he becomes aware of the harmful nature of the consumer product.

MINISTRY OF JUSTICE HUNGARY

CHAPTER XVIII

CRIMINAL OFFENCES AGAINST HUMAN FREEDOM

Kidnapping

Section 190 (1) A person who deprives another person of his personal freedom

a) by violence or direct threat to life or physical integrity, or

b) by rendering that person incapable of self-defence or unable to express his will or by exploiting such a state of that person,

and makes his release dependent on the performance of any demand is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) The punishment shall be imprisonment for five to fifteen years if kidnapping is committed

a) against a person who has not attained the age of eighteen years,

b) in a criminal conspiracy,

c) with a weapon,

d) with an instrument capable of causing death, or

e) against a public officer or foreign public officer because of his status.

(3) The punishment shall be imprisonment for five to twenty years or life if kidnapping is committed

a) against a person who has not attained the age of fourteen years,

b) causing a particularly serious disadvantage, or

c) causing death.

(4) The punishment shall be imprisonment for ten to twenty years or life if the kidnapping also constitutes intentional homicide.

(5) A person who commits preparation for kidnapping shall be punished by imprisonment for up to three years.

(6) The punishment of the perpetrator may be reduced without limitation if he ceases the kidnapping voluntarily before causing any serious consequence.

Failure to report kidnapping

Section 191 A person who obtains credible knowledge of a kidnapping that is about to be committed but fails to notify the person concerned or the authorities about it as soon as he can is guilty of a felony and shall be punished by imprisonment for up to three years if the kidnapping is attempted or committed.

Trafficking in human beings and forced labour

Section 192 (1) A person who

a) sells, buys, exchanges or hands over or receives another person as consideration, or

b) transports, accommodates, harbours or, for another, acquires another person for the purpose of committing an act specified in point a)

is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person who, for the purpose of realising regular gains,

a) induces another, by deception or by abusing his power or influence related to the education, supervision, care, or medical treatment of the aggrieved party, or any other power or influence over the aggrieved party, or by exploiting the vulnerable situation of the aggrieved party, or

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b) coerces another, by violence or threat,

to perform work, a work-like activity, other service or an unlawful act is guilty of a felony and shall be punished by imprisonment for two to eight years.

(3) A person who, for the purpose of committing an act specified in paragraph (2), recruits, hands over, receives, sells, buys, exchanges, or hands over or receives as consideration, or, for another, acquires, or transports, accommodates or harbours another is guilty of a felony and shall be punished by imprisonment for two to eight years.

(4) A person who commits the criminal offence specified in paragraph (2) or (3) for the purpose of engaging in a sexual act, or of the illegal use of a human body, is guilty of a felony and shall be punished by imprisonment for five to ten years.

(5) The punishment shall be imprisonment for five to ten years if a criminal offence specified in paragraph (2) or (3), or for five to fifteen years if a criminal offence specified in paragraph (4), is committed

a) against a person who has not attained the age of eighteen years,

b) by tormenting the aggrieved party,

c) by a public officer using that capacity, or

d) against multiple persons.

(6) The punishment shall be imprisonment for five to fifteen years if a criminal offence specified in paragraph (2) or (3), or for five to twenty years or life if a criminal offence specified in paragraph (4), is committed

a) against a person who has not attained the age of twelve years, or

b) causing danger to life or a particularly serious disadvantage.

(7) A person who commits preparation for trafficking in human beings and forced labour shall be punished by imprisonment for up to one year for committing a misdemeanour in the case specified in paragraph (1), or for up to three years for committing a felony in the case specified in paragraph (2) or (3) or for one to five years in the case specified in paragraph (4).

(8) A person who

a) uses, or makes use of, the work, work-like activity, other service or unlawful act of the aggrieved party of trafficking in human beings and forced labour as specified in paragraph (2) shall be punished by imprisonment for up to three years,

b) commits the criminal offence specified in point a) by using a sexual act, or for the purpose of the illegal use of a human body, shall be punished by imprisonment for one to five years.

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Section 193

Violation of personal freedom

Section 194 (1) A person who deprives another person of his personal freedom is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the violation of personal freedom is committed

a) against a person who has not attained the age of eighteen years,

b) for a base reason or purpose,

c) by tormenting the aggrieved party,

d) against a person who is incapable of self-defence,

e) with a weapon,

f) with an instrument capable of causing death,

g) by causing significant harm to interests, or

h) under pretence of an official procedure.

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(3) The punishment shall be imprisonment for two to eight years if the criminal offence committed against a person who has not attained the age of eighteen years also qualifies under paragraph (2) b) or c).

Coercion

Section 195 A person who coerces another person by violence or threat to do, not to do or tolerate something, and thereby causes a significant harm to interests, is guilty of a felony and shall be punished by imprisonment for up to three years, unless another criminal offence is established.

CHAPTER XIX

CRIMINAL OFFENCES AGAINST THE FREEDOM OF SEXUAL LIFE AND SEXUAL MORALITY

Sexual coercion

Section 196 (1) A person who coerces another person to engage in, or tolerate, a sexual act is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if sexual coercion is committed

a) against a person who has not attained the age of eighteen years,

b) against a relative or a person raised by or under the supervision, care or medical treatment of the perpetrator, or by abusing any other power or influence over the aggrieved party.

(3) The punishment shall be imprisonment for five to ten years if sexual coercion is committed against a person who has not attained the age of fourteen years.

Sexual violence

Section 197 (1) A person who,

a) commits sexual coercion by violence or direct threat to life or physical integrity,

b) to engage in a sexual act, takes advantage of the state of another person who is incapable of self-defence or unable to express his or her will

commits sexual violence, is guilty of a felony, and shall be punished by imprisonment for two to eight years.

(2) A person who engages in a sexual act with another person who has not attained the age of twelve years, or has another person who has not attained the age of twelve years engage in a sexual act, also commits sexual violence and shall be punished by imprisonment for five to ten years.

(3) The punishment shall be imprisonment for five to ten years if the criminal offence specified in paragraph (1) is committed

a) against a person who has not attained the age of eighteen years,

b) by the perpetrator against a relative or a person raised by, or under the supervision, care, medical treatment or otherwise the power or influence, of the perpetrator, or

c) by more than one person at the same time, with knowledge of the activities of each other.

(4) The punishment shall be imprisonment for five to twenty years if

a) the criminal offence specified in paragraph (2) is committed

aa) in a manner specified in paragraph (1),

ab) against an aggrieved party specified in paragraph (3) b), or

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ac) in a manner specified in paragraph (3) c),

or

b) the criminal offence specified in paragraph (3) a) also qualifies under paragraph (3) b) or c).

(4a) The punishment shall be imprisonment for ten to twenty years if the criminal offence specified in paragraph (4) a) aa) also qualifies under paragraph (4) a) ab) or ac).

(5) A person who makes available the conditions necessary for or facilitating the commission of sexual violence is guilty of a felony and shall be punished by imprisonment for up to three years.

Sexual abuse

Section 198 (1) A person who has attained the age of eighteen years who engages in a sexual act with a person who has not attained the age of fourteen years, or induces such a person to engage in a sexual act with another person, is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person who has attained the age of eighteen years who seeks to induce a person who has not attained the age of fourteen years to engage in a sexual act with him or her or another person shall be punished by imprisonment for up to three years.

(3) If the aggrieved party is a relative or a person raised by or under the supervision, care or medical treatment of the perpetrator, or the perpetrator commits sexual abuse by abusing any other power or influence over the aggrieved party, the punishment shall be imprisonment for

a) two to eight years in the case specified in paragraph (1),

b) one to five years in the case specified in paragraph (2).

(4) A person who has attained the age of eighteen years who engages in a sexual act with a person who has attained the age of fourteen years but has not attained the age of eighteen years by abusing his or her power or influence over that person shall be punished by imprisonment for up to three years.

Incest

Section 199 (1) A person who engages in a sexual act with a lineal relative is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who has intercourse with a sibling is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(3) A descendant shall not be liable to punishment the criminal offence specified in paragraph (1) if he or she had not attained the age of eighteen years at the time of the commission of the act.

Procuring

Section 200 (1) A person who acquires, for gain, a person for another person for engaging in a sexual act is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who offers for prostitution, or invites to engage in prostitution, another person who has not attained the age of eighteen years commits procuring and shall be punished by imprisonment for one to five years.

(3) The punishment shall be imprisonment for two to eight years if procuring is committed regularly for generating income.

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(3a) If a criminal offence specified in paragraphs (1) to (3) is committed as a special recidivist, the punishment shall be imprisonment for

a) one to five years, in the case specified in paragraph (1),

b) two to eight years, in the case specified in paragraph (2),

c) five to ten years, in the case specified in paragraph (3).

(4) The punishment shall be imprisonment for two to eight years if procuring, as specified in paragraph (1), is committed

a) against a person who has not attained the age of eighteen years,

b) against a relative or a person raised by or under the supervision or care of the perpetrator, or by abusing any other power or influence over the aggrieved party,

c) by deception, violence or threat.

(5) The punishment shall be imprisonment for five to ten years if

a) procuring as specified in paragraph (4) a) or b) also qualifies under point c),

b) procuring as specified in a point of paragraph (4) is committed as a special recidivist.

(6) A person who agrees to commit procuring regularly for generating income shall be punished by imprisonment for up to three years.

Facilitating prostitution

Section 201 (1) A person who

a) induces another person to engage in prostitution,

b) makes a building or other location available to another person for prostitution,

c)

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who commits the criminal offence specified in paragraph (1) concerning the prostitution of a person who has not attained the age of eighteen years, or provides assistance to the prostitution of a person who has not attained the age of eighteen years, shall be punished by imprisonment for two to eight years.

(3) A person who operates, manages or provides material means for the operation of a brothel shall be punished by imprisonment for one to five years.

(4) If facilitating prostitution is committed as a special recidivist, the punishment shall be imprisonment

a) for one to five years, in the case specified in paragraph (1),

b) for five to ten years, in the case specified in paragraph (2),

c) for two to eight years, in the case specified in paragraph (3).

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Living on the earnings of prostitution

Section 202 A person who lives, wholly or partially, on the earnings of another person engaged in prostitution is guilty of a felony and shall be punished by imprisonment for up to three years.

Exploitation of child prostitution

Section 203 (1) A person who seeks to gain from the prostitution of a person who has not attained the age of eighteen years is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) A person who provides consideration for a sexual act with a person who has not attained the age of eighteen years is guilty of a felony and shall be punished by imprisonment for two to eight years.

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(3) A person who lives, wholly or partially, on the earnings of a person who has not attained the age of eighteen years engaged in prostitution shall be punished by imprisonment for two to eight years.

(4) A person who operates, manages or provides material means for the operation of a brothel where a person who has not attained the age of eighteen years is engaged in prostitution shall be punished by imprisonment for two to eight years.

(5) The punishment shall be imprisonment for five to ten years if exploitation of child prostitution is committed as a special recidivist.

Child pornography

Section 204 (1) A person who

a) acquires or keeps a pornographic recording of a person who has not attained the age of eighteen years is guilty of a felony and shall be punished by imprisonment for one to five years,

b) offers, hands over or makes available a pornographic recording of a person who has not attained the age of eighteen years is guilty of a felony and shall be punished by imprisonment for two to eight years,

c) makes, places on the market, trades in, or makes accessible to a large audience a pornographic recording of a person who has not attained the age of eighteen years is guilty of a felony and shall be punished by imprisonment for five to ten years.

(2) The punishment shall be imprisonment for two to eight years in the case specified in paragraph (1) a) or imprisonment for five to ten years in the case specified in paragraph (1) b) or imprisonment for five to fifteen years in the case specified in paragraph (1) c) if the criminal offence specified therein is committed

a) against a person who has not attained the age of twelve years,

b) against a person raised by or under the supervision, care or medical treatment of the perpetrator, or by abusing any other power or influence over the aggrieved party or by exploiting the vulnerable situation of the aggrieved party,

c) by a public officer, using that capacity,

d) with a recording depicting tormenting or using violence, or

e) as a special recidivist.

(3) The punishment shall be imprisonment for five to ten years in the case specified in paragraph (1) a) or imprisonment for five to ten years in the case specified in paragraph (1) b) or imprisonment for five to fifteen years in the case specified in paragraph (1) c) if the criminal offence specified therein is committed with a recording of tormenting or using violence against a person who has not attained the age of twelve years.

(4) A person who

a) provides material means for the commission of the criminal offence specified in paragraph (1) c) is guilty of a felony and shall be punished by imprisonment for one to five years,

b) commits preparation for the criminal offence specified in paragraph (1) c) is guilty of a felony and shall be punished by imprisonment for up to three years.

(5) A person who

a) acquires or keeps a pornographic recording of a person who has attained the age of fourteen years but has not attained the age of eighteen years is guilty of a felony and shall be punished by imprisonment for up to three years,

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b) makes a pornographic recording of a person who has attained the age of fourteen years but has not attained the age of eighteen years is guilty of a felony and shall be punished by imprisonment from one to five years,

provided that no circumstances specified in paragraph (2) b) to e) applies.

(6) A person who invites one or more persons who have not attained the age of eighteen years to participate in a pornographic recording is guilty of a felony and shall be punished by imprisonment from one to five years.

(7) A person who invites one or more persons who have attained the age of fourteen years but have not attained the age of eighteen years to participate in a pornographic recording, is guilty of a felony and shall be punished by imprisonment for up to three years, provided that no circumstance specified in paragraph (2) b) to e) applies.

(8) For the purposes of this section a pornographic recording means a depiction of one or more other persons in a way that depicts sexuality in a grossly indecent manner for the purpose of arousing sexual desire, including the realistic depiction of one or more non-existent persons.

Section 204/A (1) A person who

a) attends a pornographic show in which one or more persons who have not attained the age of eighteen years participate is guilty of a felony and shall be punished by imprisonment for two to eight years,

b) makes one or more persons who have not attained the age of eighteen years participate in a pornographic show or organises such a show is guilty of a felony and shall be punished by imprisonment for five to ten years.

(2) The punishment shall be imprisonment for five to ten years in the case specified in paragraph (1) a) or imprisonment for five to fifteen years in the case specified in paragraph (1) b) if the criminal offence specified therein is committed

a) against a person who has not attained the age of twelve years,

b) against a person raised by or under the supervision, care or medical treatment of the perpetrator, or by abusing any other power or influence over the aggrieved party,

c) by a public officer, using that capacity,

d) with a show depicting tormenting or using violence, or

e) as a special recidivist.

(3) The punishment shall be imprisonment for five to fifteen years in the case specified in paragraph (1) a) or five to twenty years in the case specified in paragraph (1) b) if the criminal offence specified therein is committed with a show depicting the tormenting of, or the use of violence against, a person who has not attained the age of twelve years.

(4) A person who

a) provides material means for the criminal offence specified in paragraph (1) b) is guilty of a felony and shall be punished by imprisonment for one to five years,

b) commits preparation for the criminal offence specified in paragraph (1) b) is guilty of a felony and shall be punished by imprisonment for up to three years.

(5) A person who invites one or more persons who have not attained the age of eighteen years to participate in a pornographic show is guilty of a felony and shall be punished by imprisonment from one to five years.

(6) A person who invited one or more persons who have attained the age of fourteen years but have not attained the age of eighteen years to participate in a pornographic show is guilty of a felony and shall be punished by imprisonment for up to three years, provided that no circumstance specified in paragraph (2) b) to e) applies.

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(7) For the purposes of this section, pornographic show means an act or performance depicting the sexuality of one or more other persons in a grossly indecent manner for the purpose of arousing sexual desire.

Indecent exposure

Section 205 (1) A person who exposes himself or herself to another person in an indecent manner for the purpose of arousing or satisfying his or her own sexual desires is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person who has attained the age of eighteen years who behaves in an indecent manner before a person who has not attained the age of fourteen years for the purpose of arousing or satisfying his or her own sexual desires is guilty of a felony and shall be punished by imprisonment for up to three years, unless a criminal offence of greater gravity is established.

(3) A person who behaves in an indecent manner before another person and, by doing so, violates the human dignity of the aggrieved party shall be punished under paragraph (1), unless a criminal offence of greater gravity is established.

Ban on entering certain areas

Section 206 The perpetrator of a criminal offence specified in this Chapter may also be subject to a ban on entering certain areas.

Private motion

Section 207 The criminal offences specified in section 196 (1), section 197 (1) a), and section 205 (3) shall only be punishable upon private motion, unless the criminal offence is committed in relation with another criminal offence that is punishable without a private motion.

Interpretative provision

Section 207/A For the purposes of sections 200 (3a), 200 (5) b), 201 (4) and 203 (5), concerning special recidivism, trafficking in human beings and forced labour, procuring, facilitating prostitution and exploitation of child prostitution shall be considered similar criminal offences.

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CHAPTER XX

CRIMINAL OFFENCES VIOLATING THE INTERESTS OF CHILDREN AND CRIMINAL OFFENCES AGAINST FAMILY

Endangering a minor

Section 208 (1) A person who is obliged to raise, supervise or care for a minor, including the cohabitant of a parent exercising parental custody or a guardian, as well as a parent who is deprived of parental custody rights if he lives in the same household or home as the minor, endangers the physical, mental, moral or emotional development of the minor by grossly violating his corresponding duties is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) Unless a criminal offence of greater gravity is established, a person who has attained the age of eighteen years shall be punished under paragraph (1) if

a) he induces or seeks to induce a person who has not attained the age of eighteen years to commit a criminal offence or infraction or pursue a depraved lifestyle,

b) he offers a person who has not attained the age of eighteen years for the commission of a criminal offence.

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Child labour

Section 209 A person who

a) violates the statutory provisions on the employment of persons who have not attained the age of eighteen years, or

b) employs a third-country national who has not attained the age of eighteen years and does not hold a permit issued for work purpose

is guilty of a felony and shall be punished by imprisonment for up to three years.

Violation of an obligation related to a child protection alert

Section 209/A A person who violates an obligation relating to a circumstance indicating a high-risk factor in connection with a child being in danger referred to in section 17 (4a) to (4c) of Act XXXI of 1997 on the protection of children and guardianship administration is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

Preventing the exercise of contact rights with a minor

Section 210 (1) A person who prevents, due to his own fault, the development or maintenance of a relationship between a minor placed with him under an authority decision and a person with contact rights with that minor even after a fine was imposed for the enforcement of such contact rights is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) The perpetrator shall not be liable to punishment if he allows such contact in a suitable manner prior to a first instance conclusive decision being passed and commences the substitution of missed forms of contact.

Changing the placement of a minor

Section 211 (1) A person who, for the purpose of changing the placement of the minor permanently, takes a minor away from the person with whom the minor was placed by an authority under an enforceable authority decision without the permission of that person, or keeps the minor hidden or in secret, is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) A person who uses violence or a direct threat to life or physical integrity at the time of taking the minor away in the course of committing the criminal offence specified in paragraph (1) is guilty of a felony and shall be punished by imprisonment for up to three years.

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Failure to provide maintenance

Section 212 (1) A person who, due to his own fault, fails to perform his child maintenance obligation as prescribed by law and an enforceable authority decision is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person who, due to his own fault, fails to perform his maintenance obligation as prescribed by law and an enforceable authority decision and causes serious deprivation to the person entitled to maintenance as a result is guilty of a felony and shall be punished by imprisonment for up to three years.

(3) The perpetrator shall not be liable to punishment under paragraph (1) or in the case specified in paragraph (2) his punishment may be reduced without limitation if he performs his obligation prior to a first instance conclusive decision being passed.

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Domestic violence

Section 212/A (1) A person who, to the detriment of a parent of that person's child or to the detriment of a relative, former spouse, former cohabitant, custodian or guardian, or an individual under that person's custodianship or guardianship, provided that at the time of or prior to commission the relative, former spouse, former cohabitant, custodian, guardian, or individual under custodianship or guardianship concerned lived in the same household or home with that person, regularly

a) behaves in a violent and humiliating manner that seriously violates human dignity,

b) removes material goods that fall within the scope of common economic activities or belong to the common property and thereby causes serious deprivation to the aggrieved party as a result

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years, unless a criminal offence of greater gravity is established.

(2) A person who commits, regularly and against a person specified in paragraph (1)

a) the criminal offence of causing bodily harm as specified in section 164 (2), or insult, as specified in section 227 (2) is guilty of a felony and shall be punished by imprisonment for up to three years,

b) the criminal offence of causing bodily harm as specified in section 164 (3) or (4), violation of personal freedom as specified in section 194 (1), or coercion shall be punished by imprisonment for one to five years.

(3) The perpetrator of the criminal offence of domestic violence may also be subject to a ban on entering certain areas.

(4) The criminal offence specified in paragraph (1) shall only be punishable upon private motion.

Altering family status

Section 213 (1) A person who alters or terminates the family status of another person is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence of altering family status is committed

a) by an employee of a healthcare service provider or a child welfare or child protection institution relating to his profession,

b) by a person obliged to raise, supervise or care for a person who has not attained the age of eighteen years.

(3) If the criminal offence of altering family status is committed by an employee of a healthcare service provider or a child welfare or child protection institution relating to his profession by negligence, he is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

Bigamy

Section 214 A person who enters into a new marriage during the existence of his previous marriage or enters into marriage with a married person is guilty of a felony and shall be punished by imprisonment for up to three years.

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CHAPTER XXI

CRIMINAL OFFENCES AGAINST HUMAN DIGNITY AND CERTAIN FUNDAMENTAL RIGHTS

Violation of the freedom of conscience and religion

Section 215 A person who

a) restricts the freedom of conscience of another person by violence or threat,

b) prevents another person from freely exercising his religion by violence or threat

is guilty of a felony and shall be punished by imprisonment for up to three years.

Violence against a member of a community

Section 216 (1) A person who, because of the fact that another person, actually or presumably, belongs to a national, ethnic, racial or religious group or another group of society, in particular because of his disability, gender identity or sexual orientation, displays a conspicuously anti-social conduct that is capable of causing alarm in members of the respective group is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who assaults or coerces another person by violence or threat to do, not to do or to tolerate something because he, actually or presumably, belongs to a national, ethnic, racial or religious group or another group of society, in particular because of his disability, gender identity or sexual orientation, shall be punished by imprisonment for one to five years.

(3) The punishment shall be imprisonment for two to eight years if the criminal offence of violence against a member of a community is committed

a) with a weapon,

b) with an instrument capable of causing death,

c) by causing significant harm to interests,

d) by tormenting the aggrieved party,

e) by a group, or

f) in a criminal conspiracy.

(4) A person who commits preparation for violence against a member of a community is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

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Violation of the freedom of association and assembly

Section 217 (1) A person who prevents another person from exercising his right of association or assembly by violence or threat is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who hinders or obstructs an assembly, otherwise frustrates the organisation of an assembly, or causes serious disturbance during an assembly is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless a criminal offence of greater gravity is established.

Section 217/A A person who resists, by violence or threat, an organiser, leader or staff member of an assembly while he carries out his lawful tasks necessary for organising the assembly, or assaults such a person while he carries out his tasks as an organiser, is guilty of a misdemeanour and shall be punished by imprisonment for up to two years, unless another criminal offence is established.

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Section 217/B (1) A person who fails to comply with a restriction ensuring the peaceful nature of an assembly pursuant to the Act on the right of assembly is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless a criminal offence of greater gravity is established.

(2) The leader of an assembly shall be punished under paragraph (1) if a staff member employed by him fails to comply with a restriction ensuring the peaceful nature of the assembly and he fails to replace the staff member concerned immediately after becoming aware of the situation.

Section 217/C A person who organises a prohibited assembly or announces such an assembly within the meaning of the Act on the right of assembly is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless another criminal offence is established.

Violation of patient autonomy

Section 218 (1) A person who performs

a) a medical intervention pertaining to modifying the human genome or the genome of an embryo, to human reproduction or to choosing the sex of an unborn child,

b) medical research on a human being, an embryo or a gamete,

c) the removal of an organ or tissue for transplantation purposes, or the transplantation of an organ or tissue

that is subject to consent or permission without consent or permission of the person concerned or failing to provide appropriate information prescribed by law that is necessary for exercising the right to give consent or permission is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who removes an organ or tissue from a deceased person despite a statement of prohibition shall be punished under paragraph (1).

(3) A person who performs a medical intervention, medical research, or organ or tissue removal or transplantation specified in paragraph (1) that is subject to consent or permission by negligence without consent or permission of the person concerned is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

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Misuse of personal data

Section 219 (1) A person who, by violating a provision laid down in an Act or a binding legal act of the European Union on the protection or processing of personal data and for gain or causing significant harm to interests,

a) processes personal data in an unauthorised manner or in deviation from the purpose of processing, or

b) fails to take measures to safeguard such data

is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) A person who, by violating a provision laid down in an Act or a binding legal act of the European Union on the protection or processing of personal data, fails to perform his obligation to provide information that is necessary for the data subject to exercise his right of access and, as a result, causes significant harm to the interests of one or more other persons, shall be punished under paragraph (1).

(3) The punishment shall be imprisonment for up to two years if the misuse of personal data is committed concerning sensitive data or criminal personal data.

(4) The perpetrator is guilty of a felony and shall be punished by imprisonment for up to three years if the misuse of personal data is committed by a public officer or by abusing a public mandate.

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Misuse of data of public interest

Section 220 (1) A person who, by violating the provisions concerning the publicity of data of public interest as laid down in an Act,

a) conceals a data of public interest from a requesting party or fails to perform his obligation to disclose data of public interest after being obliged to do so by a court in a final and binding decision,

b) falsifies or renders data of public interest inaccessible,

c) publishes or renders false or falsified data of public interest accessible

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The perpetrator is guilty of a felony and shall be punished by imprisonment for up to three years if the misuse of data of public interest is committed for illicit gain.

Trespass

Section 221 (1) A person who, by violence, threat or under pretence of an official procedure, enters or stays in the home or other premises of another person, or any related enclosed area, is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person who enters or stays in the home or other premises of another person, or any related enclosed area, against the will of the person living there or disposing of it, or under false pretences

a) at night,

b) with a weapon,

c) with an instrument capable of causing death, or

d) by a group,

is guilty of a felony and shall be punished by imprisonment for up to three years.

(3) A person who prevents another person from entering his home or other premises or any related enclosed area,

a) shall be punished under paragraph (1) if the criminal offence is committed as specified in paragraph (1),

b) shall be punished under paragraph (2) if the criminal offence is committed as specified in paragraph (2).

(4) The perpetrator is guilty of a felony and shall be punished by imprisonment for one to five years if the criminal offence specified in paragraph (1) is committed in a manner specified in paragraph (2).

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Harassment

Section 222 (1) A person who disturbs another person regularly or permanently for the purpose of causing fear to or interfering with the private life or daily lifestyle of that other person arbitrarily is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless a criminal offence of greater gravity is established.

(1a) A person who, while being subject to a criminal proceeding conducted against him, contacts the aggrieved party for the purpose of causing fear to or interfering with the private life or daily lifestyle of the aggrieved party

a) after the court, the prosecution service or the investigating authority communicated to him a decision on protection against arbitrary contact under section 51/A of Act XC of 2017 on the Code of Criminal Procedure; or

b) violating the rules of behaviour of a restraining order issued against him,

shall be punished under paragraph (1).

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(2) A person who, for the purpose of causing fear,

a) threatens another person or, having regard to their relationship, a relative of another person with the commission of a punishable violent act against a person or an act causing public danger, or

b) pretends that an event harming or directly endangering the life, physical integrity or health of another person is about to take place

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(3) A person who commits the criminal offence of harassment

a) against his spouse, former spouse, cohabitant or former cohabitant,

b) against a person raised by him or under his supervision, care or medical treatment,

c) by abusing his power or influence, or

d) against a public officer, at a place or time that is inconsistent with his official activities

shall be punished by imprisonment for up to two years in the case specified in paragraph (1) or up to three years for committing a felony in the case specified in paragraph (2).

(4) A person who has attained the age of eighteen years and commits harassment as specified in paragraph (1) against a person who has not attained the age of eighteen years shall be punished by imprisonment for up to two years.

Violation of personal secrets

Section 223 (1) A person who discloses, without a reasonable cause, a personal secret he learned due to his profession or public mandate is guilty of a misdemeanour and shall be punished by confinement.

(2) The punishment shall be imprisonment for up to one year if the criminal offence causes significant harm to interests.

Violation of the confidentiality of correspondence

Section 224 (1) A person who

a) destroys a sealed consignment containing the communication of another person, opens or acquires such a consignment for the purpose of gaining knowledge of its content or hands over such a consignment to an unauthorised person for such a purpose; or

b) intercepts communications sent to another person through an electronic communications network, including an information system,

is guilty of a misdemeanour and shall be punished by confinement, unless a criminal offence of greater gravity is established.

(2) The punishment shall be imprisonment for up to one year if the criminal offence specified in paragraph (1) is committed by using a profession or public mandate.

(3) The punishment shall be

a) imprisonment for up to two years if the criminal offence specified in paragraph (1);

b) imprisonment for up to three years for committing a felony if the criminal offence specified in paragraph (2)

causes significant harm to interests.

Humiliation of a vulnerable person

Section 225 (1) A person who induces another person, by exploiting his vulnerable situation, to behave in a manner that humiliates him is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless a criminal offence of greater gravity is established.

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(2) The punishment shall be imprisonment for up to two years if the perpetrator

a) provides or promises any consideration as part of the inducement specified in paragraph (1),

b) makes a recording of the person humiliating himself or makes such a recording accessible to a large audience.

(3) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence is committed regularly for generating income.

Defamation

Section 226 (1) A person who, in front of another person, states, disseminates a fact that is capable of harming one's reputation or uses an expression in direct reference to such a fact is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) The punishment shall be imprisonment for up to two years if defamation is committed

a) for a base reason or purpose,

b) in front of a large audience, or

c) by causing significant harm to interests.

(3) If a person commits the act specified in paragraph (1) in the context of the free discussion of public affairs in a press product or media service, that person's act shall not be punishable as defamation, provided that his act is not aimed at the obvious and seriously derogatory denial of the human dignity of the aggrieved party.

Making false audio or image recording capable of harming the reputation of another

Section 226/A (1) A person who makes a false or falsified audio or image recording, or one with untrue content, for the purpose of harming the reputation of one or more other persons is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless another criminal offence is established.

Disclosing false audio or image recording capable of harming the reputation of another

Section 226/B (1) A person who makes a false or falsified audio or image recording, or one with untrue content, accessible for the purpose of harming the reputation of one or more other persons is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence is committed

a) in front of a large audience, or

b) by causing significant harm to interests.

Insult

Section 227 (1) A person who, apart from the acts specified in section 226, uses an expression that is capable of harming one's reputation or commits any other such act

a) with regard to the performance of the job, public mandate or public interest activity of the aggrieved party, or

b) in front of a large audience

is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) A person who commits the criminal offence of insult through a physical act shall be punished under paragraph (1).

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(3) If a person commits the act specified in paragraph (1) in the context of the free discussion of public affairs in a press product or media service, that person's act shall not be punishable as insult, provided that his act is not aimed at the obvious and seriously derogatory denial of the human dignity of the aggrieved party.

Violation of the memory of a deceased person

Section 228 A person who dishonours a deceased person or his memory in a manner specified in section 226 or 227 is guilty of a misdemeanour and shall be punished by the punishment specified in the respective section.

Proving the truth

Section 229 (1) The perpetrator of a criminal offence specified in sections 226 to 228 shall not be liable to punishment if the fact that is capable of harming one's reputation is proved to be true.

(2) Proving the truth may take place if the statement or dissemination of the fact, or the use of the expression directly referring to it, was justified by public interest or the legitimate interest of a person.

Ban on entering certain areas

Section 230 The perpetrator of the criminal offence of harassment may also be subject to a ban on entering certain areas.

Private motion

Section 231 The criminal offence specified in section 218 shall not be punishable without a private motion, unless the criminal offence is committed in relation to another criminal offence that is punishable without a private motion. For the purpose of section 218 (2), a private motion may be filed by a person specified in and authorised by the Act on healthcare to make a statement, or by a relative or heir of the deceased person.

(2) The criminal offences specified in sections 221 to 228 shall not be punishable without a private motion, unless the criminal offence specified in section 227 is committed against a member of a law enforcement organ or a civilian national security service.

(3) For the purpose of section 228, a private motion may be filed by a relative or heir of the deceased person.

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CHAPTER XXII

TRAFFIC-RELATED CRIMINAL OFFENCES

Criminal offence against traffic safety

Section 232 (1) A person who endangers the life or physical integrity of one or more other persons by damaging or destroying a traffic route, vehicle, traffic control equipment or a related accessory, creating an obstruction, removing or changing traffic signs or misleadingly using them, using force or threat against the driver of a moving vehicle or by any similar means is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for

a) one to five years if the criminal offence causes grievous bodily harm,

b) two to eight years if the criminal offence causes a permanent disability, serious degradation of health or mass catastrophe,

c) five to ten years if the criminal offence causes death,

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d) five to fifteen years if the criminal offence causes the death of more than two persons or a fatal mass catastrophe.

(3) A person who commits preparation for a criminal offence specified in paragraph (1) is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(4) A person who commits the criminal offence specified in paragraph (1) by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to one year; in the cases specified in paragraph (2), the punishment shall be imprisonment for up to two years, up to three years, one to five years or two to eight years according to the distinctions made there.

(5) The punishment may be reduced without limitation or, in cases deserving special consideration, dispensed with if the perpetrator averts the danger voluntarily before it results in any harm.

Endangering rail, air or waterway traffic

Section 233 (1) A person who endangers the life or physical integrity of one or more other persons by violating the rules of rail, air or waterway traffic is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for

a) one to five years if the criminal offence causes grievous bodily harm,

b) two to eight years if the criminal offence causes a permanent disability, serious degradation of health or mass catastrophe,

c) five to ten years if the criminal offence causes death,

d) five to fifteen years if the criminal offence causes the death of more than two persons or a fatal mass catastrophe.

(3) A person who commits the criminal offence specified in paragraph (1) by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to one year; in the cases specified in paragraph (2), the punishment shall be imprisonment for up to two years, up to three years, one to five years or two to eight years according to the distinctions made there.

(4) The punishment may be reduced without limitation or, in cases deserving special consideration, dispensed with if the perpetrator averts the danger voluntarily before it results in any harm.

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Endangering road traffic

Section 234 (1) A person who exposes the life or physical integrity of one or more other persons to direct danger on a public road or a publicly accessible private road by violating the rules of road traffic is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for

a) one to five years if the criminal offence causes grievous bodily harm,

b) two to eight years if the criminal offence causes a permanent disability, serious degradation of health or mass catastrophe,

c) five to ten years if the criminal offence causes death,

d) five to fifteen years if the criminal offence causes the death of more than two persons or a fatal mass catastrophe.

Causing a road traffic accident

Section 235 (1) A person who causes grievous bodily harm to one or more other persons by violating the rules of road traffic by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

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(2) The punishment shall be imprisonment for

a) up to three years if the criminal offence causes a permanent disability, serious degradation of health or mass catastrophe,

b) one to five years if the criminal offence causes death,

c) two to eight years if the criminal offence causes the death of more than two persons or a fatal mass catastrophe.

Driving under the influence of alcohol

Section 236 (1) A person who drives a railway vehicle, an aircraft, a motor-driven vessel or, on a public road or a publicly accessible private road, a motor vehicle under the influence of alcohol is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) For committing a felony, the punishment shall be imprisonment for

a) up to three years if the criminal offence causes in grievous bodily harm,

b) one to five years if the criminal offence causes a permanent disability, serious degradation of health or mass catastrophe,

c) two to eight years if the criminal offence causes death,

d) five to ten years if the criminal offence causes the death of more than two persons or a fatal mass catastrophe.

(3) A person who causes a result specified in paragraph (2) by driving a non-motor-driven vessel or, on a public road or a publicly accessible private road, a non-motor vehicle under the influence of alcohol shall be punished according to the distinctions made there.

Driving under the influence of intoxicants

Section 237 (1) A person who drives a railway vehicle, an aircraft, a motor-driven vessel or, on a public road or a publicly accessible private road, a motor vehicle under the influence of a substance, other than alcohol from the consumption of an alcoholic beverage, that has a detrimental impact on his driving ability is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) For committing a felony, the punishment shall be imprisonment for

a) up to three years if the criminal offence causes grievous bodily harm,

b) one to five years if the criminal offence causes a permanent disability, serious degradation of health or mass catastrophe,

c) two to eight years if the criminal offence causes death,

d) five to ten years if the criminal offence causes the death of more than two persons or a fatal mass catastrophe.

(3) A person who causes a result specified in paragraph (2) by driving a non-motor-driven vessel or, on a public road or a publicly accessible private road, a non-motor vehicle under the influence of a substance, other than alcohol from the consumption of an alcoholic beverage, that has a detrimental impact on his driving ability shall be punished according to the distinctions made there.

Allowing another to drive while impaired

Section 238 (1) A person who allows another person who is under the influence of alcohol or another intoxicant, or who is otherwise incapable of driving, to drive a railway vehicle, an aircraft, a motor-driven vessel or, on a public road or a publicly accessible private road, a motor vehicle is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

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(2) For committing a felony, the punishment shall be imprisonment for

a) up to three years if the criminal offence causes a permanent disability, serious degradation of health or mass catastrophe,

b) one to five years if the criminal offence causes death,

c) two to eight years if the criminal offence causes the death of more than two persons or a fatal mass catastrophe.

Hit and run

Section 239 If the driver of the vehicle involved in a traffic accident fails to stop at, or leaves the place of, the accident before verifying whether any person suffered any injury or needs assistance due to a direct danger to life or physical integrity then he is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless a criminal offence of greater gravity is established.

Driving an illegally converted passenger vehicle

Section 239/A (1) A person who drives, on a public road or a publicly accessible private road, a road vehicle or a vehicle providing special passenger transport services, as defined in the Act on passenger transport services, that was modified without a permit or in violation of a permit is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless a criminal offence of greater gravity is established.

(2) The punishment shall be imprisonment for up to two years if the criminal offence is committed with a school bus or a road transport vehicle used for the transport of special-needs passengers, in particular disabled, elderly or ill persons.

(3) A person who modifies or has someone modify a vehicle specified in this section without permission is guilty of a misdemeanour and shall be punished by confinement.

Driving a vehicle while disqualified

Section 239/B (1) A person who drives a vehicle while being subject to disqualification from driving such a vehicle is guilty of a misdemeanor and shall be punished by imprisonment for up to one year.

(2) A person who commits the criminal offence while being subject to disqualification from driving a vehicle imposed in a criminal proceeding is guilty of a felony and shall by punished by imprisonment for up to three years.

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Interpretative provisions

Section 240 (1) The provisions on criminal offences committed on public roads shall also be applied if the violation of the rules of driving on public roads causes at least grievous bodily harm or death on roads other than public roads.

(2) For the purposes of sections 233 to 235, the provisions on pedestrians and passengers shall not be considered part of the rules of traffic.

(3) For the purposes of sections 236 and 238, a person shall be considered to be under the influence of alcohol if the alcohol in his system, originating from the consumption of alcoholic beverages, is capable of producing a blood alcohol level exceeding 0.50 grams/litre or an air alcohol level exceeding 0.25 milligrams/litre.

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CHAPTER XXIII

CRIMINAL OFFENCES AGAINST THE ENVIRONMENT AND NATURE

Damaging the environment

Section 241 (1) A person who

a) endangers the soil, air, water, flora and fauna or their components by significant pollution or any other means,

b) damages the soil, air, water, flora and fauna or their components by significant pollution or any other means to such an extent that their natural or previous condition can only be restored by intervention,

c) damages the soil, air, water, flora and fauna or their components by significant pollution or any other means to such an extent that their natural or previous condition cannot be restored

is guilty of a felony and shall be punished by imprisonment for up to three years in the case specified in point a), for one to five years in the case specified in point b), and for two to eight years in the case specified in point c).

(2) A person who commits the criminal offence of damaging the environment by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to one year in the case specified in paragraph (1) a), up to two years in the case specified in paragraph (1) b), and up to three years in the case specified in paragraph (1) c).

(3) The perpetrator shall not be liable to punishment in the cases specified in paragraph (1) a) and in the first and second parts of paragraph (2), and his punishment may be reduced without limitation in the case specified in paragraph (1) b), if he averts the danger or environmental damage caused by the criminal offence and restores the original condition of the damaged environment before the first instance conclusive decision is passed.

(4) For the purposes of this section, pollution means any load on the soil, air, water, living world or their components exceeding the emission limit specified by law or an authority decision.

Damaging natural values

Section 242 (1) A person who unlawfully acquires, keeps, places on the market, imports to, exports from or transports through the territory of the country, trades in, damages or destroys

a) a specimen of a specially protected living organism,

b) specimens of a protected living organism or a plant or animal species that are significant for nature conservation purposes in the European Union, provided that the total monetary value of all such specimens, as determined by law, reaches the lowest monetary value determined for specimens of a specially protected living organism,

c) a specimen of a living organism falling within the scope of Annex A or B of the Council Regulation (EC) on the protection of species of wild fauna and flora by regulating trade therein

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence of damaging natural values causes such a destruction of specimens of a living organism

a) that, in the cases specified in paragraph (1) a) or b), the total monetary value of all specimens of the destroyed living organism, as determined by law, is at least double of the highest monetary value determined for specimens of a specially protected living organism,

b) which, in the case specified in paragraph (1) c), endangers the survival of the population of the living organism.

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(2a) A person who commits the criminal offence of damaging natural values by using poison or placing bait suitable for killing an animal, thus endangering the life of more than one animal shall be punished under paragraph (2).

(3) A person who commits the criminal offence specified in paragraph (2) by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(3a) A person who commits preparation for the criminal offence specified in paragraph (2) or (2a) is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(4) For the purposes of this section, a specimen of a living organism means:

a) all stages, forms, and status of development of a living organism,

b) a specimen resulting from the natural or artificial cross-breeding of living organisms,

c) derivatives of specimens of living organisms, which shall be construed to mean also a dead creature or any part of a dead creature or a specimen of a living organism, as well as any product or preparation made of or containing any ingredient taken from any of the above.

Section 243 (1) A person who alters a Natura 2000 area, a protected cave, a protected natural area or a community or habitat of protected living organisms illegally and to a significant extent is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence of damaging natural values causes any significant damage to or the destruction of the Natura 2000 area, protected cave, protected natural area, or the community or habitat of the protected living organisms.

(3) A person who commits the criminal offence specified in paragraph (2) by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(4) For the purposes of this section, a Natura 2000 area shall mean an area defined as such by the Act on the protection of nature.

Animal cruelty

Section 244 (1) A person who

a) abuses or treats a vertebrate animal, without justification, in a manner capable of causing the death or any permanent damage to the health of the animal,

b) chases away, leaves or abandons a vertebrate animal or dangerous animal

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence of animal cruelty is committed

a) causing extreme suffering to the animal,

b) causing the death or any permanent damage to the health of more than one animal,

c) in front of a large audience,

d) against an animal affected by disqualification from keeping a pet animal or disqualification from keeping the animal species concerned as set out in the Act on the protection and welfare of animals, during the period of the disqualification, or

e) within two years after being convicted of animal cruelty or organising illegal animal fights.

(3) The punishment shall be imprisonment for one to five years if the criminal offence of animal cruelty is committed

a) using poison or placing bait suitable for killing an animal and causing the death of more than one animal, or

b) by a special recidivist.

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(4) A person who commits the criminal offence specified in paragraph (1) a) for financial gain related to reproduction, for more than ten pet animals, failing to employ the diligence of a prudent farmer.

(5) A person who commits preparation for the criminal offence specified in paragraph (3) a) is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(6) For the purposes of paragraph (3) b), concerning special recidivism, damaging natural values if committed causing the death of an animal, animal cruelty and organising illegal animal fights shall be considered similar criminal offences.

Game poaching

Section 245 A person who

a) engages in any activity aimed at killing or catching a wild animal without authorisation to hunt in a hunting area or permission to hunt in the hunting area of another person,

b) kills or catches a specimen of a wild animal species during the period of a hunting moratorium, as defined in a separate law, covering all specimens of the given species,

c) engages in any activity aimed at killing or catching a wild animal or a protected or specially protected vertebrate animal using prohibited means or methods of hunting or in a no-hunting area, as defined in a separate law

is guilty of a felony and shall be punished by imprisonment for up to three years.

Fish poaching

Section 246 A person who

a) engages in any activity aimed at catching fish using, without authorisation, a fishing net or other fishing equipment, other than a fishing rod,

b) engages in any activity aimed at catching fish using prohibited means or methods, or in a no-fishing area, as defined in a separate law,

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

Organising illegal animal fights

Section 247 (1) A person who organises, holds, organises betting on or bets on an animal fight featuring vertebrate animals is guilty of a felony and shall be punished by imprisonment for up to three years.

(1a) A person who attends an animal fight is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person who acquires, keeps, breeds, trains, teaches or places on the market a vertebrate animal for the purposes of animal fights is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(3) If the criminal offence of organising illegal animal fights is committed by a special recidivist, the punishment shall be

a) imprisonment for one to five years in a case specified in paragraph (1),

b) imprisonment for up to three years in a case specified in paragraph (1a) or (2).

(4) For the purposes of paragraph (3), concerning special recidivism, damaging natural values if committed causing the death of an animal, animal cruelty, organising illegal animal fights and violation of obligations related to keeping dangerous animals or dangerous dogs shall be considered similar criminal offences.

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Violation of waste management regulations

Section 248 (1) A person who

a) engages in waste management activities without registration or notification, or without or exceeding the limits of a permit, or

b) engages in any other illegal activity concerning waste, provided that it is capable of endangering human life, physical integrity, health, the soil, water, air or their components, or a specimen of a living organism

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who disposes of waste

a) capable of endangering human life, physical integrity, health, the soil, water, air or their components, or a specimen of a living organism, or

b) of significant quantity

in a location not licensed for such purposes by an authority, is guilty of a felony and shall be punished by imprisonment for up to three years.

(3) The punishment shall be imprisonment for one to five years if the criminal offence specified in paragraph (1) or (2) is committed

a) with hazardous waste,

b) with a particularly significant quantity of waste,

c) by a special recidivist.

(4) The punishment shall be imprisonment for two to eight years if the criminal offence specified in paragraph (3) a) qualifies also under paragraph (3) b).

(5) A person who commits the criminal offence by negligence is guilty of a misdemeanour and shall be punished

a) by imprisonment for up to one year in the case specified in paragraph (1) or (2),

b) by imprisonment for up to two years in the case specified in paragraph (3),

c) by imprisonment for up to three years in the case specified in paragraph (4).

(6) For the purposes of this section,

a) concerning special recidivism, damaging the environment and damaging natural values shall be considered similar criminal offences,

b) waste management activity means waste management as defined in the Act on waste , with the proviso that transporting shall be understood to include also importing to, exporting from, and transporting through the territory of the country,

c) the quantity of waste shall be considered significant if it exceeds 500 kg or 5 cubic metres,

d) the quantity of waste shall be considered particularly significant if it is ten times the significant quantity.

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Abuse of ozone-depleting substances

Section 249 (1) A person who manufactures, uses or imports to or exports from the territory of the country or places on the market a substance or a product containing a substance that depletes the ozone layer is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who commits the criminal offence of abuse of ozone-depleting substances by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

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Abuse of radioactive materials

Section 250 (1) A person who, without a permit or notification or exceeding the limits of a permit,

a) produces, stores, disposes of or transports a hazardous, radioactive material,

b) acquires, possesses, handles, places on the market, processes, uses in any other way, hands over to a person who is not authorised to keep it, neutralises or imports to, exports from or transports through the territory of the country a hazardous, radioactive material

is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person who commits the criminal offence in a criminal conspiracy shall be punished by imprisonment for two to eight years.

(3) A person who commits preparation for abuse of radioactive materials is guilty of a felony and shall be punished by imprisonment for up to three years.

(4) A person who commits the criminal offence specified in paragraph (1) by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(5) For the purposes of this section, hazardous radioactive material means a natural or artificial substance at least one component of which emits ionising radiation and is dangerous to human life, health or the living or non-living environment.

Unlawful operation of a nuclear facility

Section 251 (1) A person who, without or exceeding the limits of a permit, operates a nuclear facility is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person who commits the criminal offence specified in paragraph (1) in a criminal conspiracy shall be punished by imprisonment for two to eight years.

(3) A person who commits preparation for unlawful operation of a nuclear facility shall be punished by imprisonment for up to three years.

Abuse related to the application of atomic energy

Section 252 (1) A person who, to obtain a permit required for the application of atomic energy, deceives a body or person with decision-making power is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person who fails to perform his notification obligation relating to the application of atomic energy shall be punished by imprisonment for up to three years.

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Ban on entering certain areas

Section 253 The perpetrator of the criminal offence of damaging the environment, damaging natural values, game poaching, fish poaching, violation of waste management regulations, and organising illegal animal fights may also be subject to a ban on entering certain areas.

Interpretative provision

Section 253/A For the purposes of this Chapter, a poison means a hazardous substance or mixture which, due to its toxicological characteristics, endangers the life of an animal or may cause the extreme suffering, or permanent damage to the health, of an animal if inhaled, swallowed or absorbed through the skin.

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CHAPTER XXIV

CRIMINAL OFFENCES AGAINST THE STATE

Changing the constitutional order by force

Section 254 (1) A person who commits an act directly aimed at changing the constitutional order of Hungary by using or threatening to use force is guilty of a felony and shall be punished by imprisonment for five to twenty years or life.

(2) A person who commits preparation for changing the constitutional order by force shall be punished by imprisonment for one to five years.

(3) A person shall not be liable to punishment for the criminal offence of changing the constitutional order by force if the criminal offence is not continued due to his voluntary abandonment or if he prevents the continuation of the criminal offence voluntarily.

Conspiracy against the constitutional order

Section 255 (1) A person who establishes or leads an organisation the purpose of which is to change the constitutional order of Hungary by using or threatening to use force is guilty of a felony and shall be punished by imprisonment for five to ten years.

(2) A person who participates in an organisation specified in paragraph (1) shall be punished by imprisonment for two to eight years.

(3) A person shall not be liable to punishment for the criminal offence of conspiracy against the constitutional order if the conspiracy is not continued due to his voluntary abandonment or if he prevents the continuation of the conspiracy voluntarily.

Riot

Section 256 (1) A person who participates in a mass disturbance the direct purpose of which is to prevent

a) the National Assembly,

b) the President of the Republic,

c) the Curia,

d) the Government, or

e) the Constitutional Court

from exercising a power conferred on it by the Fundamental Law, or to force any of them to take a measure, by using or threatening to use force, is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) A person who organises or leads a mass disturbance specified in paragraph (1) shall be punished by imprisonment for five to fifteen years.

(3) A person who commits preparation for riot shall be punished by imprisonment for one to five years.

(4) A participant shall not be liable to punishment for riot if he leaves the mass disturbance voluntarily or as instructed by an authority before any violent act is commenced.

Destruction

Section 257 (1) A person who, for the purpose of disturbing the constitutional order of Hungary, destroys, renders unserviceable or damages a public utility, a production, public transport or telecommunication facility or their equipment, a public building or structure, stock of products, war material, or any other asset of comparable importance considering its intended purpose, is guilty of a felony and shall be punished by imprisonment for two to eight years.

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(2) The punishment shall be imprisonment for five to twenty years or life if the destruction results in a particularly serious disadvantage.

(3) A person who commits preparation for destruction shall be punished by imprisonment for up to three years.

Treason

Section 258 (1) A Hungarian citizen who, for the purpose of violating the independence, territorial integrity or constitutional order of Hungary, establishes or keeps contact with a foreign government or foreign organisation is guilty of a felony and shall be punished by imprisonment for five to fifteen years.

(2) The punishment shall be imprisonment for ten to twenty years or life if treason is committed

a) causing a serious disadvantage,

b) by using a state service or official mandate,

c) in a time of war, or

d) by inviting or using a foreign armed force.

(3) A person who commits preparation for treason shall be punished by imprisonment for one to five years or, in a time of war, two to eight years.

Treachery

Section 259 (1) A Hungarian citizen who, abusing his state service or official mandate, establishes or keeps contact with a foreign government or foreign organisation, and thus endangers the independence, territorial integrity or constitutional order of Hungary is guilty of a felony and shall be punished by imprisonment for two to eight years or, in a time of war, five to fifteen years.

Aiding the enemy

Section 260 (1) A person who contacts or provides assistance to the enemy or causes any disadvantage to his own or an allied armed force for the purpose of weakening the military power of Hungary in a time of war is guilty of a felony and shall be punished by imprisonment for ten to twenty years or life.

(2) A person who commits preparation for aiding the enemy shall be punished by imprisonment for two to eight years.

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Espionage

Section 261 (1) A person who engages in intelligence activities for a foreign power or foreign organisation against Hungary is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) A person who commits espionage as specified in paragraph (1) by disclosing data classified as top secret shall be punished by imprisonment for five to fifteen years.

(3) A person who commits preparation for espionage shall be punished by imprisonment for one to five years.

(4) A person shall not be liable to punishment for offering or undertaking to engage in intelligence activities if he reports his offer or undertaking and reveals his foreign connection in full to the authorities or a competent state organ before performing any other intelligence activity.

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Espionage against the institutions of the European Union

Section 261/A A person who engages in intelligence activity for a third country outside the European Union against the European Parliament, the European Commission or the Council of the European Union shall be punishable in accordance with section 261.

Espionage against allied armed forces

Section 262 A person who commits espionage against an allied armed force within the territory of Hungary or another country allied to Hungary under an international treaty in force providing for an obligation to provide mutual military aid shall be punishable under section 261.

Failure to report a criminal offence against the State

Section 263 (1) A person who obtains credible knowledge of any changing the constitutional order by force, conspiracy against the constitutional order, riot, destruction, treason, treachery, aiding the enemy, espionage, espionage against allied armed forces or espionage against the institutions of the European Union that is about to be committed, or that such a criminal offence has been committed without being discovered, and fails to report it to the authorities or a competent state organ as soon as he can is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A relative of the perpetrator of a criminal offence against the State shall not be liable to punishment for failure to report the criminal offence against the State.

Ban on entering certain areas

Section 264 The perpetrator of a criminal offence specified in this Chapter may also be subject to a ban on entering certain areas.

CHAPTER XXV

CRIMINAL OFFENCES AGAINST CLASSIFIED DATA AND NATIONAL DATA ASSETS

Misuse of classified data

Section 265 (1) A person who

a) acquires or uses classified data without authorisation,

b) renders classified data accessible to an unauthorised person or renders classified data inaccessible to an authorised person

commits the criminal offence of misuse of classified data.

(2) The punishment shall be

a) confinement for committing a misdemeanour if the criminal offence is committed concerning data classified as restricted,

b) imprisonment for up to one year if the criminal offence is committed concerning data classified as confidential,

c) for committing a felony, imprisonment for up to three years if the criminal offence is committed concerning data classified as secret,

d) imprisonment for one to five years if the criminal offence is committed concerning data classified as top secret.

(3) A person authorised by law to use classified data who commits the criminal offence of misuse of classified data concerning data classified as restricted, confidential, secret or top secret, shall be punished by imprisonment for up to one year, up to two years, one to five years or two to eight years according to the distinctions made in paragraph (2).

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(4) A person who commits preparation for misuse of classified data as specified in paragraph (2) c) to d), according to the distinctions made there, is guilty of a misdemeanour and shall be punished by imprisonment for up to two years or is guilty of a felony and shall be punished by imprisonment for up to three years.

(5) A person authorised to use classified data who commits preparation for misuse of classified data as specified in paragraph (2) c) to d), according to the distinctions made there, is guilty of a felony and shall be punished by imprisonment for up to three years or one to five years.

(6) A person authorised by law to use classified data, who commits the criminal offence by negligence, is guilty of a misdemeanour and shall be punished by confinement or imprisonment for up to one year, two years or three years, according to the distinctions made in paragraph (2).

Section 266 (1) Protection under criminal law shall also be afforded, for a period of thirty days after classification was initiated, to data the classification of which was initiated but the classification procedure was yet to be completed when the criminal offence was committed if the perpetrator was aware of this fact.

(2)

Criminal offence against a state register forming part of national data assets

Section 267 (1) A person who

a) renders any data processed in a state register forming part of national data assets inaccessible to the data controller, or

b) without, or violating the scope of his, authorisation obstructs the operation of a state register forming part of national data assets

is guilty of a felony and shall be punished by imprisonment for up to three years, unless a criminal offence of greater gravity is established.

(2) The punishment shall be imprisonment for one to five years if

a) the criminal offence causes significant harm to interests, or

b) the criminal offence is committed for financial gain.

(3) The punishment shall be imprisonment for two to eight years if every data processed in a state register forming part of national data assets is rendered persistently inaccessible to the data controller due to the criminal offence.

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CHAPTER XXVI

CRIMINAL OFFENCES AGAINST JUSTICE

False accusation

Section 268 (1) A person who

a) before an authority, falsely accuses another person of committing a criminal offence,

b) informs an authority of a piece of fabricated evidence against another person concerning a criminal offence

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if criminal proceedings are launched against the person concerned based on the false accusation.

(3) The punishment shall be imprisonment for two to eight years if

a) the accused is sentenced based on the false accusation,

b) the false accusation concerns a criminal offence the perpetrator of which may be punished by imprisonment for life under the law.

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(4) The punishment shall be imprisonment for five to ten years if the accused is sentenced based on a false accusation of a criminal offence punishable by imprisonment for life.

(5) A person who, before an authority, falsely accuses another person of committing a criminal offence because he does not know, due to his negligence, that his statement or the evidence is false is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

Section 269 (1) A person who

a) falsely accuses another person of committing an infraction or a violation punishable by an administrative fine before an authority;

b) falsely accuses another person of committing a disciplinary offence before an authority or an entity with disciplinary powers;

c) informs an authority or an entity with disciplinary powers of a piece of fabricated evidence against another person concerning an infraction, a violation punishable by an administrative fine or a disciplinary offence

is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

Section 270 (1) If proceedings were launched based on the false accusation, before this main case is finished, criminal proceedings may only be launched regarding the criminal offence of false accusation, upon a crime report filed by the authority proceeding in the main case. Except for such a crime report, the statute of limitations regarding a false accusation shall commence on the day when the main case is finished.

(2) The punishment of a perpetrator of the criminal offence of false accusation may be reduced without limitation or, in cases deserving special consideration, may be dispensed with, if he reveals the falsehood of the accusation to the proceeding authority before the main case is finished.

Misleading of authority

Section 271 (1) A person who files a report that he knows to be untrue and which could serve as a ground for criminal proceedings with an authority is guilty of a misdemeanour and shall be punished by imprisonment for up to two years provided that section 268 does not apply.

(2) A person who files a report that he knows to be untrue and which could serve as a ground for an infraction procedure with an authority, or for an infraction procedure or disciplinary proceedings with an entity with disciplinary powers shall be punished by imprisonment for up to one year provided that section 269 does not apply.

(3) A person who files a report that he knows to be untrue and which could serve as a ground for any other authority procedure with an authority shall be punished by confinement, provided that section 269 does not apply.

Perjury

Section 272 (1) A witness who gives false testimony or withholds the truth before an authority concerning a material aspect of a case is guilty of perjury.

(2) The provisions on perjury shall be applied to a person who

a) makes a false expert statement as an expert or provides false information as a consultant,

b) falsely translates as an interpreter or translator,

c) provides a false document or a false physical evidence in a criminal or civil case, provided that section 268 (1) b) does not apply.

(3) The defendant of a criminal case may not be punished under paragraph (2) c).

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(4) A person who commits perjury in a criminal case is guilty of a felony and shall be punished by imprisonment for one to five years. If perjury is committed regarding a criminal offence punishable also by imprisonment for life, the punishment shall be imprisonment for two to eight years.

(5) A person who commits perjury in a civil case shall be punished by imprisonment for up to three years. If the subject matter of the civil case is of a particularly large monetary value or a particularly significant other interest, the punishment shall be imprisonment for one to five years.

(6) A person who commits perjury by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

Section 273 A person who commits perjury in an infraction procedure or another authority procedure or disciplinary proceedings is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

Section 274 Criminal proceedings may not be launched on the ground of perjury before the main case in which perjury was committed is finished unless a crime report is filed by the authority proceeding in the main case. Except for such a crime report, the statute of limitations regarding perjury shall commence on the day when the main case is finished.

Section 275 (1) A person shall not be liable to punishment for perjury if

a) by revealing the truth, he would accuse himself or a relative of his of committing a criminal offence,

b) he may refuse to provide witness testimony for any other reason, about which he was not advised before his interrogation, or

c) his interrogation is prohibited by law.

(2) The punishment may be reduced without limitation or, in cases deserving special consideration, may be dispensed with if the perpetrator before the main case is terminated with final and binding effect or with administrative finality, informs the authority proceeding in the main case of the falsehood of the evidence he provided.

Invitation to perjury

Section 276 (1) A person who seeks to induce another person to commit perjury is guilty of a felony and shall be punished by imprisonment for up to three years if it is committed in a criminal case, or is guilty of a misdemeanour and shall be punished by imprisonment for up to two years if it is committed in a civil case.

(2) A person who commits the criminal offence specified in paragraph (1) in an infraction procedure or another authority procedure or proceedings before an entity with disciplinary powers is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

Unjustified refusal to testify

Section 277 A witness who, after being advised as a witness, refuses to testify in court in a criminal case without justification is guilty of a misdemeanour and shall be punished by confinement.

Coercion in relation to authority proceeding

Section 278 (1) A person who coerces another person by violence or threat not to exercise his statutory rights or perform his obligations in an authority procedure is guilty of the criminal offence of coercion in relation to authority proceeding.

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(2) A person who commits the criminal offence in a criminal case is guilty of a felony and shall be punished by imprisonment for one to five years. If the criminal offence is committed in a criminal case conducted regarding a criminal offence punishable also by imprisonment for life, the punishment shall be imprisonment for two to eight years.

(3) A person who commits the criminal offence in a civil case shall be punished by imprisonment for up to three years. If the subject matter of a civil case is of a particularly large monetary value or a particularly significant other interest, the punishment shall be imprisonment for one to five years.

(4) If the criminal offence is committed in an infraction procedure or another authority procedure or proceedings before an entity with disciplinary powers, the perpetrator is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

Interference with the proceedings of an authority

Section 279 (1) A person who displays a conspicuously anti-social or violent conduct that disturbs, hinders or prevents the proceedings of an authority is guilty of a misdemeanour and shall be punished by imprisonment for up to two years, unless a criminal offence of greater gravity is established.

(2) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence specified in paragraph (1) is committed in a court procedure.

(3) The punishment shall be imprisonment for one to five years if the criminal offence specified in paragraph (1) is committed by a group or with a weapon or an instrument capable of causing death.

Breach of confidentiality in connection with the administration of justice

Section 280 (1) A person who, without the consent of an authorised person, discloses a fact, data or a circumstance he learned as an official witness is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) A person who discloses anything said in a closed court trial without being permitted to do so by an authorised person shall be punished under paragraph (1), unless a criminal offence of greater gravity is established.

(3) A person who discloses a fact or data that has been mentioned during a court panel session or recorded in the minutes of a panel session or an annex thereto and may not be disclosed to the public shall be punished under paragraph (1).

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Withholding exculpatory circumstances

Section 281 (1) A person who fails to reveal a fact, which may serve as a ground for acquitting or terminating criminal proceedings against a person concerned, to the person concerned, his defence counsel or the authority is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) If the criminal offence of withholding exculpatory circumstances is committed regarding a criminal offence punishable by imprisonment for life, the punishment shall be imprisonment for two to eight years.

(3) A person who fails to reveal a fact, which may serve as a ground for terminating an infraction procedure, disciplinary proceedings or other proceedings launched for a violation punishable by an administrative fine, to the person concerned, his defence counsel or the authority is guilty of a misdemeanour and shall be punished by confinement.

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(4) A person shall not be liable to punishment for withholding exculpatory circumstances if

a) by disclosing the fact, he would accuse himself or a relative of his

aa) in criminal proceedings or authority procedure, of committing a criminal offence,

ab) in an infraction procedure, of committing a criminal offence or infraction,

ac) in a disciplinary procedure, of committing a criminal offence, infraction, violation punishable by an administrative fine or disciplinary offence,

b) his interrogation as a witness is prohibited by law.

Accessory after the fact

Section 282 (1) A person who, without conspiring with the perpetrator of a criminal offence before commission,

a) provides assistance for the perpetrator to flee from official prosecution,

b) seeks to prevent the criminal proceedings from succeeding, or

c) participates in securing any gain from the criminal offence

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The perpetrator is guilty of a felony and shall be punished by imprisonment for up to three years if the criminal offence of accessory after the fact is committed for gain.

(3) The punishment shall be imprisonment for one to five years if the criminal offence of accessory after the fact is committed

a) regarding a criminal offence specified in Chapters XIII, XIV or XXIV [except for failure to report a criminal offence against the State (section 263 (1))],

b) regarding homicide [section 160 (1) to (3) and (5)], kidnapping [section 190 (1) to (4)], trafficking in human beings and forced labour [section 192 (1) to (6)], terrorist act [section 314 (1) to (2)], terrorism financing [sections 318 and 318/A], unlawful seizure of a vehicle [section 320 (1) to (2)],

c) regarding a criminal offence punishable by imprisonment for life and not mentioned in points a) to b),

or

d) by a public officer or foreign public officer in the course of his official proceedings, violating his official duties or by a person performing public duties in the course of his proceedings.

(4) Except for paragraph (2) and paragraph (3) d), a person shall not be liable to punishment if he commits the criminal offence of accessory after the fact, as specified in paragraph (1) a), in the interest of a relative.

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Prisoner escape

Section 283 (1) A person who, during the criminal proceedings or the enforcement of a sentence of imprisonment or confinement, escapes from the custody of an authority is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who, for the purpose of relieving himself from criminal proceedings conducted against him, leaves the area, home, other premises, institute or a fenced area of it designated for him, during the period of criminal supervision by violating the rules of the coercive measure is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2a) A person who, for the purpose of relieving himself from an extradition or surrender procedure conducted against him and during the period of the criminal supervision pending extradition or the provisional criminal supervision pending extradition, transfer or enforcement, leaves the area, home, other premises, institute or a fenced area of it designated for him by violating the rules of the coercive measure shall be punished under paragraph (2).

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(3) The punishment shall be imprisonment for up to one year if a convict, for the purpose of relieving himself from the enforcement of his sentence, fails to return after an interruption of the sentence, leave, short leave or absence granted to him during the enforcement of the sentence of imprisonment.

(3a) The punishment shall be imprisonment for up to one year if a convict, for the purpose of relieving himself from the enforcement of his sentence of imprisonment and during the period of his reintegration custody, leaves the home and the fenced area of it designated for him or another place of stay specified in his daily agenda by violating the rules of reintegration custody.

(3b) A person subject to an infraction proceeding who escapes from the custody of an authority while being held in custody or infraction confinement is guilty of a misdemeanour and shall be punished by confinement.

(4) The punishment of a perpetrator of prisoner escape may be reduced without limitation if he turns himself in voluntarily before his place of stay becomes known to the authorities.

Prisoner mutiny

Section 284 (1) A detainee who, together with other detainees, participates in an open resistance that seriously endangers the order of detention is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years for

a) a person who initiates, organises or leads a prisoner mutiny,

b) participates in a prisoner mutiny if he uses violence against a person taking action to overcome the mutiny.

(3) The punishment shall be imprisonment for five to fifteen years if the prisoner mutiny causes particularly serious consequences.

(4) The punishment shall be imprisonment for five to twenty years or life if the prisoner mutiny causes death.

(5) A person who commits preparation for prisoner mutiny shall be punished by imprisonment for up to three years.

(6) In the case specified in paragraph (1), the punishment of a person may be reduced without limitation if he ceases to resist voluntarily or upon an order by an authority.

MINISTRY OF JUSTICE HUNGARY

Legal malpractice

Section 285 (1) An attorney-at-law who, to cause his client any illegal disadvantage, breaches any of his professional duties is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the legal malpractice is committed for gain.

(3) For the purposes of this section, attorney-at-law also means a junior attorney-at-law and any other person who is entitled to act as a legal representative by reason of his profession.

Unauthorised practice of law

Section 286 (1) A person who pursues the activities of an attorney-at-law, patent attorney or notary regularly for generating income and without being authorised to do so is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence of unauthorised practice of law is committed by pretending to be authorised to pursue the activities of an attorney-at-law, patent attorney or notary.

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Breach of seal

Section 287 (1) A person who

a) removes or damages a seal used for the purpose of seizure, impounding or sequestration ordered in an authority procedure,

b) opens a closed room used to safeguard any seized, impounded or sequestrated thing,

c) renders any data affected by an order to preserve electronic data accessible to an unauthorised person, makes such data inaccessible during the proceedings or modifies such data,

d) renders any electronic data rendered temporarily inaccessible during criminal proceedings accessible to an unauthorised person, makes such data inaccessible during the proceedings or modifies such data

is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) A person who removes a thing seized, impounded or sequestrated in an authority procedure from enforcement is guilty of a felony and shall be punished by imprisonment for up to three years.

(3) The perpetrator of the criminal offence of breach of seal, as specified in paragraph (2), shall not be liable to punishment if he returns the thing fully intact to the proceeding authority before indictment.

Obstructing judicial enforcement

Section 288 (1) A person who, after being subject to a disciplinary fine by a court with final and binding effect, continues the behaviour for which the disciplinary fine was imposed, or keeps failing to perform his statutory obligations pertaining to judicial enforcement, except for obligations stipulated in an enforceable title, is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) The perpetrator shall not be liable to punishment if he performs his statutory obligations pertaining to judicial enforcement before indictment.

Criminal offence against justice committed before an international tribunal

Section 289 A person shall be punished under sections 268 to 282 if he commits a criminal offence specified therein in the course of or concerning proceedings of the Court of Justice of the European Union or an international criminal court established by an international treaty promulgated in an Act or a binding decision of the United Nations Security Council.

MINISTRY OF JUSTICE HUNGARY

CHAPTER XXVII

CORRUPTION-RELATED CRIMINAL OFFENCES

Active bribery

Section 290 (1) A person who gives or promises any undue advantage to a person pursuing any activity for or in the interest of an economic operator or to any other person on account of such a person, to have him breach his duties is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence specified in paragraph (1) is committed concerning a person pursuing any activity for or in the interest of an economic operator with independent powers to take action.

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(3) The punishment shall be imprisonment for

a) one to five years in the case specified in paragraph (1),

b) two to eight years in the case specified in paragraph (2),

if the criminal offence of active bribery is committed in a criminal conspiracy or regularly for generating income.

(4) A person who commits the criminal offence of active bribery concerning a person pursuing any activity for or in the interest of a foreign economic operator shall be punished under paragraphs (1) to (3).

(5) The punishment of the perpetrator of the criminal offence specified in paragraph (1) may be reduced without limitation or, in cases deserving special consideration, may be dispensed with if he notifies the authorities of the criminal offence and reveals the circumstances of its commission before the authority becomes aware of them. This provision shall not apply if the criminal offence is committed in a criminal organisation.

(6) A person who gives or promises any undue advantage, as provided for in the Act on healthcare, to a healthcare worker, a person working in healthcare or any other person on account of such a person relating to the provision of a healthcare service is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless a criminal offence of greater gravity is established.

Passive bribery

Section 291 (1) A person who asks for any undue advantage concerning his activity for or in the interest of an economic operator, or accepts such advantage or a promise of it, or agrees with a person asking for or accepting any undue advantage asked for by, or given or promised to, a third party on his account, is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The perpetrator shall be punished by imprisonment for

a) one to five years if he breaches his duty in exchange for the undue advantage,

b) two to eight years if he commits the criminal offence specified in paragraph (1) in a criminal conspiracy or regularly for generating income.

(3) If the perpetrator is a person who pursues an activity for or in the interest of an economic operator with independent powers to take action, the punishment shall be imprisonment for

a) one to five years in the case specified in paragraph (1),

b) two to eight years in the case specified in paragraph (2) a),

c) five to ten years in the case specified in paragraph (2) b).

(4) A person who commits the criminal offence specified in paragraphs (1) to (3) with regard to a person pursuing an activity for or in the interest of a foreign economic operator shall be punished under the respective paragraph.

(5) The punishment of the perpetrator of the criminal offence specified in paragraph (1) or paragraph (3) a) may be reduced without limitation or, in cases deserving special consideration, may be dispensed with if he notifies the authorities of the criminal offence, hands over to the authorities any undue material advantage received or the consideration therefor, and reveals the circumstances of its commission before the authority becomes aware of them. This provision shall not apply if the criminal offence is committed in a criminal organisation.

(6) For the purposes of this section, relating to the provision of a healthcare service, undue advantage means undue advantage as provided for in the Act on healthcare.

Section 292

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Active bribery regarding a public officer

Section 293 (1) A person who seeks to influence a public officer by giving or promising any undue advantage to him or to another person on his account concerning his activities, is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The perpetrator shall be punished by imprisonment for one to five years if he gives or promises any undue advantage for the purpose of having a public officer breach his official duties, exceed his competence or otherwise abuse his official status.

(3) A person who commits the criminal offence specified in paragraphs (1) and (2) concerning the activities of a foreign public officer shall be punished under the respective paragraph.

(4) An executive of an economic operator or a person pursuing an activity for, or in the interest of, an economic operator with the power to control or supervise shall be punished under paragraph (1) if the person pursuing an activity for, or in the interest of, the economic operator commits the criminal offence specified in paragraphs (1) to (3) in the interest of the economic operator, provided that the performance of his supervision or control obligation could have prevented the commission of the criminal offence.

(5) An executive of an economic operator or a person pursuing an activity for or in the interest of an economic operator with the power to control or supervise is guilty of a misdemeanour and shall be punished by imprisonment for up to two years if he commits the criminal offence specified in paragraph (4) by negligence.

(6) The punishment of the perpetrator of the criminal offence specified in paragraphs (1) and (2) may be reduced without limitation or, in cases deserving special consideration, may be dispensed with if he notifies the authorities of the criminal offence and reveals the circumstances of its commission before the authority becomes aware of them.

Passive bribery regarding a public officer

Section 294 (1) A public officer who asks for any undue advantage concerning his activities or accepts such advantage or a promise of it, or agrees with a person asking for or accepting any undue advantage asked for by, or given or promised to, a third party concerning his person, is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if the criminal offence is committed by an executive public officer.

(3) The perpetrator shall be punished by imprisonment for two to eight years in the case specified in paragraph (1) or for five to ten years in the case specified in paragraph (2), if

a) in exchange for the undue advantage

aa) he breaches his official duties;

ab) he exceeds his competence; or

ac) he otherwise abuses his official status; or

b) he commits the criminal offence in a criminal conspiracy regularly for generating income.

(4) A foreign public officer who commits the criminal offence specified in paragraphs (1) to (3) shall be punished under the respective paragraph.

(5) The punishment of the perpetrator of the criminal offence specified in paragraphs (1) and (2) may be reduced without limitation or, in cases deserving special consideration, may be dispensed with if he notifies the authorities of the criminal offence, hands over to the authorities any undue material advantage received or the consideration therefor, and reveals the circumstances of its commission before the authority becomes aware of them. This provision shall not apply if the criminal offence is committed in a criminal organisation.

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Active bribery in court or in authority proceedings

Section 295 (1) A person who gives or promises any undue advantage to a person, or to another person on his account, to have him not exercise his statutory rights or perform his obligations in the proceedings of a court, arbitration court or authority is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person shall be punished under paragraph (1) if he commits a criminal offence specified therein in the course of or concerning proceedings before the Court of Justice of the European Union or an international criminal court established by an international treaty promulgated in an Act or a binding decision of the United Nations Security Council.

(3) The punishment of the perpetrator of the criminal offence specified in paragraphs (1) and (2) may be reduced without limitation or, in cases deserving special consideration, may be dispensed with if he notifies the authorities of the criminal offence and reveals the circumstances of its commission before the authority becomes aware of them.

Passive bribery in court or in authority proceedings

Section 296 (1) A public officer who, for not exercising his statutory rights or performing his obligations in the proceedings of a court, arbitration court or authority, asks for any undue advantage or accepts such advantage or a promise of it, or agrees with a person asking for or accepting any undue advantage asked for by, or given or promised to, a third party on his account, is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person shall be punished under paragraph (1) if he commits a criminal offence specified therein in the course of or concerning proceedings of the Court of Justice of the European Union or an international criminal court established by an international treaty promulgated in an Act or a binding decision of the United Nations Security Council.

(3) The punishment of the perpetrator of the criminal offence specified in paragraphs (1) and (2) may be reduced without limitation or, in cases deserving special consideration, may be dispensed with if he notifies the authorities of the criminal offence, hands over to the authorities any undue material advantage received or the consideration therefor, and reveals the circumstances of its commission before the authority becomes aware of them.

Section 297

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Active trading in influence

Section 298 (1) A person who gives or promises any advantage

a) to a person claiming to have any influence over a public officer, or

b) to another person on account of a person claiming to have any influence over a public officer

is guilty of a felony and shall be punished by imprisonment for up to three years.

(1a) A person who gives or promises any undue advantage to a person claiming to be a public officer or, on account of this person, to any other person shall be punished under paragraph (1).

(2) A person who commits the criminal offence specified in paragraph (1) concerning a person pursuing an activity for or in the interest of an economic operator is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(3) A person who commits the criminal offence specified in paragraphs (1) and (1a) concerning a foreign public officer shall be punished under paragraph (1).

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(4) The punishment of the perpetrator of the criminal offence specified in paragraphs (1) to (2) may be reduced without limitation or, in cases deserving special consideration, may be dispensed with if he notifies the authorities of the criminal offence and reveals the circumstances of its commission before the authority becomes aware of them.

Passive trading in influence

Section 299 (1) A person who, by claiming that he has any influence over a public officer, asks for any undue advantage for himself or any other person, or accepts such advantage or a promise of it, or agrees with a person asking for or accepting any undue advantage asked for by, or given or promised to, a third party on his account, is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if the perpetrator

a) claims or pretends to bribe a public officer,

b) pretends to be a public officer, or

c) commits the criminal offence regularly for generating income.

(2a) A person who pretends to be a public officer and asks for any undue advantage concerning his apparent activities as such, or accepts such advantage or a promise of it shall be punished under paragraph (2).

(3) A person who commits the criminal offence specified in paragraph (1) concerning a person pursuing an activity for or in the interest of an economic operator is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(4) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence specified in paragraph (3) is committed concerning a person pursuing an activity for or in the interest of an economic operator with independent powers to take action.

(5) A person who commits the criminal offence specified in paragraphs (1) and (2) concerning a foreign public officer shall be punished under the respective paragraph.

(6) The punishment of the perpetrator of the criminal offence specified in paragraphs (1) and (3) may be reduced without limitation or, in cases deserving special consideration, may be dispensed with if he notifies the authorities of the criminal offence, hands over to the authorities any undue material advantage received or the consideration thereof, and reveals the circumstances of its commission before the authority becomes aware of them.

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Failure to report a corruption criminal offence

Section 300 (1) A public officer who, obtaining in his official capacity credible knowledge of the commission of an undiscovered criminal offence of active bribery, passive bribery, active bribery regarding a public officer, passive bribery regarding a public officer, active bribery in court or in authority proceedings, passive bribery in court or in authority proceedings, active trading in influence or passive trading in influence fails to report it to the authorities as soon as he can is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A relative of the perpetrator shall not be liable to punishment for failure to report a corruption criminal offence.

Interpretative provisions

Section 300/A (1) For the purposes of this Chapter, performance of a duty if made conditional upon the provision of an advantage shall also constitute a breach of duties.

(2) For the purposes of sections 290 and 291, a foreign economic operator means an organisation that has legal personality under its personal law and is authorised to pursue economic activities in the given organisational form.

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CHAPTER XXVIII

CRIMINAL OFFENCES COMMITTED IN OFFICIAL CAPACITY

Assault while acting as a public officer

Section 301 (1) A public officer who, while acting as a public officer, physically assaults another person is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if the criminal offence specified in paragraph (1) is committed by a group.

(3) A person who commits preparation for assault while acting as a public officer is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(4) The punishment of a person may be reduced without limitation if he reveals the circumstances of committing the criminal offence specified in paragraph (2) before indictment.

Assault while acting as a person performing public duties

Section 302 (1) A person performing public duties who, while performing his public duties, physically assaults another person is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if the criminal offence specified in paragraph (1) is committed by a group.

(3) A person who commits preparation for assault while acting as a person performing public duties is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(4) The punishment of a person may be reduced without limitation if he reveals the circumstances of committing the criminal offence specified in paragraph (2) before indictment.

Coercive interrogation

Section 303 (1) A public officer who uses violence, threat or any similar method to have another person give or not give a testimony or statement is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if the criminal offence specified in paragraph (1) is committed by a group.

(3) A person who commits preparation for coercive interrogation is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(4) The punishment of a person may be reduced without limitation if he reveals the circumstances of committing the criminal offence specified in paragraph (2) before indictment.

Unlawful detention

Section 304 (1) A public officer who, while acting as a public officer, unlawfully deprives another person of his personal freedom is guilty of a felony and shall be punished by imprisonment for one to five years.

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(2) The punishment shall be imprisonment for two to eight years if the criminal offence of unlawful detention is committed

a) for a base reason or purpose,

d) by tormenting the aggrieved party, or

c) causing a serious consequence.

Abuse of office

Section 305 A public officer who, to cause any undue disadvantage or gain any undue advantage,

a) breaches his official obligations,

b) exceeds his official competence, or

c) otherwise abuses his official status,

is guilty of a felony and shall be punished by imprisonment for up to three years.

Abuse of the position of performing public duties

Section 306 A person performing public duties who, to cause any undue disadvantage or gain any undue advantage,

a) breaches his obligations concerning his public duties,

b) exceeds his powers concerning his public duties, or

c) otherwise abuses his position as a person performing public duties

is guilty of a felony and shall be punished by imprisonment for up to three years.

Unauthorised secret information gathering or unauthorised use of covert means

Section 307 (1) A public officer who

a) engages, without permission, in secret information gathering subject to the permission of a judge or the minister responsible for justice, uses a concealed means subject to the permission of a judge or exceeds the limits of any such permission granted,

b) orders or permits, without authorisation, any secret information gathering subject to the permission of a judge or the minister responsible for justice or the use of a concealed means subject to the permission of a judge

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A public officer shall be punished under paragraph (1) if he makes any false statement based on which secret information gathering subject to the permission of a judge or the minister responsible for justice or the use of a concealed means subject to the permission of a judge is ordered or permitted.

(3) The punishment shall be imprisonment for one to five years if the criminal offence specified in paragraphs (1) to (2) causes significant harm to interests.

Integrity testing without authorisation

Section 308 (1) A public officer who

a) carries out any integrity test without or exceeding the limits of the permission of the prosecution service,

b) approves any integrity test without authorisation

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A public officer who states any false fact in his decision on ordering an integrity test shall be punished under paragraph (1), provided that the ordering of the integrity test is approved by the authorised entity based on that statement.

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(3) The punishment shall be imprisonment for one to five years if the criminal offence specified in paragraphs (1) to (2) causes significant harm to interests.

Other provision

Section 309 The provisions laid down in this Chapter shall apply accordingly to members of authorities of foreign states pursuing any task relating to the administration of justice or law enforcement proceeding, under an Act, within the territory of Hungary.

CHAPTER XXIX

CRIMINAL OFFENCES AGAINST PUBLIC OFFICERS

Violence against a public officer

Section 310 (1) A person who

a) prevents a public officer or foreign public officer, by violence or threat, from proceeding in a lawful manner,

b) coerces a public officer or foreign public officer, by violence or threat, to take a measure in a lawful procedure,

c) assaults a public officer or foreign public officer during or because of his procedure

is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if the criminal offence of violence against a public officer is committed by a group or with a weapon or an instrument capable of causing death.

(3) An organiser or leader of a group specified in paragraph (2) shall be punished by imprisonment for five to ten years.

(4) A person who participates in a group seeking to commit violence against a public officer is guilty of a misdemeanour and shall be punished by imprisonment for up to two years, and the organisers and leaders of the group are guilty of a felony and shall be punished by imprisonment for up to three years.

(5) A person who assaults a public officer or foreign public officer because of his proceeding shall be punished under paragraphs (1) to (4), even if the assaulted person is not a public officer or foreign public officer anymore when the criminal offence is committed.

(6) A person who commits preparation for violence against a public officer is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(7) A participant in a group shall not be liable to punishment under paragraph (4) if he leaves the group voluntarily or as instructed by an authority.

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Violence against a person performing public duties

Section 311 A person shall be punishable under section 310 if he commits the criminal offence specified there against a person performing public duties.

Violence against a person assisting a public officer or a person performing public duties

Section 312 A person shall be punishable under section 310 if he commits the criminal offence specified there against a person protecting or assisting a public officer, foreign public officer or person performing public duties.

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Violence against an internationally protected person

Section 313 (1) A person who

a) assaults,

b) deprives of his personal freedom, or

c) endangers

an internationally protected person staying in Hungary is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person who threatens to commit the criminal offence specified in paragraph (1) shall be punished by imprisonment for up to three years.

(3) A person who commits preparation for violence against an internationally protected person is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(4)

CHAPTER XXX

CRIMINAL OFFENCES AGAINST PUBLIC SAFETY

Terrorist act

Section 314 (1) A person who, for the purpose of

a) coercing a state organ or another state or international organisation to do, not to do or to tolerate something,

b) intimidating a population,

c) changing or interfering with the constitutional, social or economic order of another state, or interfering with the functioning of an international organisation

commits a violent criminal offence against a person, a criminal offence causing public danger or a criminal offence relating to a weapon, as specified in paragraph (4), is guilty of a felony and shall be punished by imprisonment for ten to twenty years or life.

(2) A person shall be punished under paragraph (1) if he

a) for a purpose specified in paragraph (1) a), takes control of significant material assets and requires a state organ or international organisation to comply with a demand as a condition of returning or leaving such assets intact, or

b) organises or leads a terrorist group.

(3) The punishment of a person may be reduced without limitation if he

a) ceases a terrorist act specified in paragraph (1) or (2) before it results in any serious consequence, and

b) reveals his activities before the authorities,

provided that by doing so, he contributes to the prevention or mitigation of the consequences of the criminal offence, the discovery of other perpetrators, or the prevention of additional criminal offences.

(4) For the purposes of this section, a violent criminal offence against a person, a criminal offence causing public danger or a criminal offence relating to a weapon means a criminal offence of

a) homicide [section 160 (1) to (2)], causing bodily harm [section 164 (2) to (6) and (8)], endangering by professional misconduct intentionally [section 165 (3)],

b) kidnapping [section 190 (1) to (4)], violation of personal freedom (section 194),

c) criminal offence against traffic safety [section 232 (1) to (2)], endangering rail, air or waterway traffic [section 233 (1) to (2)],

d) abuse of radioactive materials [section 250 (1) to (2)],

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e) violence against a public officer [section 310 (1) to (5)], violence against a person performing public duties (section 311), violence against a person providing assistance to a public officer or a person performing public duties (section 312), violence against an internationally protected person [section 313 (1)],

f) unlawful seizure of a vehicle [section 320 (1) to (2)], causing public danger [section 322 (1) to (3)], disturbing the operation of public interest facilities [section 323 (1) to (3)], abuse of explosives or detonating equipment [section 324 (1) to (2)], abuse of guns or ammunition [section 325 (1) to (3)],

g) abuse of a weapon prohibited by an international treaty [section 326 (1) to (5)], abuse of military products or services [section 329 (1) to (3)], abuse of dual-use products [section 330 (1) to (2)],

h) robbery [section 365 (1) to (4)], vandalism [section 371 (1) to (6)],

i) information system fraud [section 375 (2) to (4)], violation of information systems or related data breach [section 423 (1) to (4)].

Section 315 (1) A person who invites or offers or undertakes to commit, agrees to commit jointly or, for the purpose of promoting the commission, provides the conditions necessary for or facilitating the commission of a felony specified in section 314 (1) or (2) is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) A person who carries out an act specified in paragraph (1) to commit a felony specified in section 314 (1) or (2) in a terrorist group shall be punished by imprisonment for five to ten years.

(3) A person shall not be liable to punishment if he notifies the authorities of a criminal offence specified in paragraph (1) or (2) and reveals the circumstances of its commission before the authority becomes aware of them.

Section 316 A person who threatens to commit a terrorist act is guilty of a felony and shall be punished by imprisonment for two to eight years.

Section 316/A (1) A person who enters, leaves or travels through the territory of Hungary for the purpose of

a) committing, inviting, offering or undertaking to commit, agreeing to commit jointly or, for the purpose of furthering the commission, providing the conditions necessary for, or facilitating, the commission of a felony specified in section 314 (1) or (2), or

b) joining a terrorist group

is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) A person who organises or provides or collects material means to support the travel specified in paragraph (1) shall be punished under the same paragraph.

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Failure to report a terrorist act

Section 317 A person who obtains credible knowledge of a terrorist act that is about to be committed but fails to report them to the authorities as soon as he can is guilty of a felony and shall be punished by imprisonment for up to three years.

Terrorism financing

Section 318 (1) A person who

a) provides or collects material means to provide the conditions that are necessary to commit a terrorist act,

b) supports a person who is about to commit a terrorist act, the perpetrator of a terrorist act, or any other person on the account of such persons, with material means, or

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c) provides or collects material means for the purpose of supporting a person specified in point b)

is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) A person who carries out a criminal offence specified in paragraph (1) in the interest of the commission of a terrorist act by a terrorist group, or of a member of a terrorist group, or otherwise supports the activities of a terrorist group or provides or collects material means for the purpose of providing such support to a terrorist group shall be punished by imprisonment for five to ten years.

Section 318/A (1) A person who

a) provides or collects material means to provide the conditions that are necessary to commit a criminal offence of a terrorist nature,

b) supports a person who is about to commit a criminal offence of a terrorist nature, the perpetrator of a criminal offence of a terrorist nature or any other person on the account of such persons with material means, or

c) provides or collects material means for the purpose of supporting a person specified in point b)

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) For the purposes of paragraph (1), a criminal offence of a terrorist nature means a criminal offence of

a) homicide [section 160 (1), section 160 (2) if the offence is directed at a person at an airport serving international civil aviation, on board of an aircraft in flight or a ship at sea or an internationally protected person],

b) causing bodily harm (section 164 if the offence is directed at a person at an airport serving international civil aviation, on board of an aircraft in flight or a ship at sea or an internationally protected person),

c) kidnapping [section 190 (1) to (4)],

d) criminal offence against traffic safety (section 232 if the offence is committed against an aircraft or a ship at sea).

e) abuse of radioactive materials (section 250),

f) destruction (section 257),

g) violence against an internationally protected person (section 313),

h) unlawful seizure of a vehicle (section 320),

i) causing public danger [section 322 (1) to (3)],

j) disturbing the operation of public interest facilities (section 323),

k) abuse of explosives or detonating equipment (section 324 if the offence is committed against a public interest facility or in a public building or structure),

l) abuse of guns or ammunition (section 325 if the offence is committed against a public interest facility or in a public building or structure).

Section 318/B

Interpretative provision

Section 319 (1) For the purposes of sections 314 to 315, 316/A, and 318, a terrorist group means a group of three or more persons that is organised for an extensive period, operates in a coordinated manner and is aimed at committing any terrorist act.

(2) For the purposes of sections 316/A, 318 and 318/A, material means shall be construed to mean the assets, legal documents or instruments specified in Article 1(1) of Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism.

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Unlawful seizure of a vehicle

Section 320 (1) A person who by violence, threat or rendering another person unconscious or incapable of self-defence, takes control of an aircraft, a public transport vehicle or a vehicle suitable for the transport of bulk goods is guilty of a felony and shall be punished by imprisonment for five to ten years.

(2) The punishment shall be imprisonment for ten to twenty years or life if the criminal offence causes death.

(3) A person who commits preparation for the unlawful seizure of a vehicle shall be punished by imprisonment for two to eight years.

(4) The punishment of a person may be reduced without limitation if he ceases the criminal offence before causing any serious consequence.

Participation in a criminal organisation

Section 321 (1) A person who invites, offers or undertakes to commit, agrees to commit jointly or, for the purpose of promoting the commission, provides the conditions necessary for or facilitating the commission of a criminal offence in a criminal organisation or supports the activities of a criminal organisation in any other way is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person shall not be liable to punishment for participation in a criminal organisation if he notifies the authorities of the criminal offence and reveals the circumstances of its commission before the authority becomes aware of them.

Causing public danger

Section 322 (1) A person who causes public danger by releasing the destructive forces of any material or energy, or prevents a public danger from being averted or its consequences from being mitigated is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) The punishment shall be imprisonment for five to ten years if the criminal offence is committed

a) by a group,

b) causing damage the extent of which is particularly large or greater, or

c) in a criminal conspiracy.

(3) The punishment shall be imprisonment for five to twenty years or life if the criminal offence causes death.

(4) A person who commits preparation for causing public danger shall be punished by imprisonment for up to three years.

(5) A person who causes public danger by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to three years; the punishment shall be imprisonment for one to five years if the criminal offence results in damage the extent of which is particularly large or greater, or two to eight years if the criminal offence causes death.

(6) The punishment of a person may be reduced without limitation if he averts the public danger voluntarily before it results in any harm.

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Obstructing epidemic containment

Section 322/A (1) A person who obstructs the carrying out

a) of an epidemiological isolation, observation, quarantine or monitoring ordered for the prevention of the introduction or spread of an infectious disease subject to compulsory quarantine,

b) of an epidemiological isolation, observation, quarantine or monitoring during an epidemic,

c) of a phytosanitary- or epizootic-related measure ordered to prevent the importation, exportation or spread of an infectious animal disease or a plant quarantine pest, or to eliminate its occurrence,

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence is committed by a group.

(3) The punishment shall be imprisonment for two to eight years if the criminal offence causes death.

(4) A person who commits preparation for obstructing epidemic containment shall be punished by imprisonment for up to one year.

Disturbing the operation of public interest facilities

Section 323 (1) A person who significantly disturbs the operation of a public interest facility is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if the criminal offence is committed

a) by a group,

b) in a criminal conspiracy, or

c) causing particularly large damage.

(3) The punishment shall be imprisonment for five to ten years if the criminal offence is committed

a) with a weapon,

b) with an instrument capable of causing death, or

c) causing particularly significant damage.

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(4) A person who commits preparation for disturbing the operation of public interest facilities is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(5) A person who commits the criminal offence by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to three years; the punishment shall be imprisonment for one to five years if the criminal offence causes damage the extent of which is particularly large or greater.

Abuse of explosives or detonating equipment

Section 324 (1) A person who

a) makes, acquires, keeps or places on the market any explosives, detonating equipment or appliance serving for using such items without a licence or hands over any such material, equipment or appliance to a person without authorisation to keep such items,

b) imports to, exports from or transports through the territory of the country any explosives, detonating equipment or an appliance serving for using such items without or exceeding the limits of a licence,

is guilty of a felony and shall be punished by imprisonment for two to eight years.

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(2) The punishment shall be imprisonment for five to ten years if the criminal offence is committed regularly for generating income or in a criminal conspiracy.

(3) A person who commits preparation for the abuse of explosives or detonating equipment shall be punished by imprisonment for up to three years.

Abuse of guns or ammunition

Section 325 (1) A person who

a) acquires or keeps a functioning gun without a licence;

b) makes or places on the market a gun without a licence;

c) imports to, exports from or transports through the territory of the country a functioning gun without or exceeding the limits of a licence;

d) exceeds the limits of his licence to make or trade in guns or to acquire or keep functioning guns;

e) hands over his licensed gun to a person without a licence

is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) A person shall be punished under paragraph (1) if he

a) acquires or keeps, without a licence, more than a small quantity of any ammunition for small arms, hunting guns or sporting guns, or any ammunition for any other gun,

b) makes or places on the market ammunition without a licence,

c) imports to, exports from or transports through the territory of the country any ammunition without or exceeding the limits of a licence,

d) exceeds the limits of his licence to prepare, acquire, keep or trade in ammunition,

e) hands over more than a small quantity of ammunition for his licensed small arm, hunting gun or sporting gun, or any ammunition for any other gun, to a person without a licence.

(3) The punishment shall be imprisonment for five to ten years if the criminal offence is committed regularly for generating income or in a criminal conspiracy.

(4) A person who imports to, exports from or transports through the territory of the country, without notification, a licensed small arm, hunting gun or sporting gun, or any ammunition for them, is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(5) A person who commits preparation for a criminal offence specified in paragraphs (1) to (3) is guilty of a felony and shall be punished by imprisonment for up to three years.

(6) For the purposes of this section, small quantity means up to ten rounds of ammunition.

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CHAPTER XXXI

CRIMINAL OFFENCES AGAINST ECONOMIC PROVISIONS SERVING PUBLIC SAFETY PURPOSES BASED ON INTERNATIONAL COMMITMENTS

Abuse of a weapon prohibited by an international treaty

Section 326 (1) A person who

a) develops or manufactures,

b) acquires, keeps, uses or disarms without authorisation,

c) hands over to a person not authorised to keep, imports to, exports from or transports through the territory of the country

a weapon prohibited by an international treaty is guilty of a felony and shall be punished by imprisonment for five to fifteen years.

(2) A person shall be punished under paragraph (1) if he, without or in deviation from a license, constructs or operates a facility suitable for producing a weapon prohibited by an international treaty or converts an existing facility to produce such a weapon.

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(3) A person shall be punished by imprisonment for five to ten years if he

a) provides technical support for the development, manufacturing, assembly, quality examination, operation, maintenance or repair of a weapon prohibited by an international treaty,

b) deceives a decision-making organ or person to obtain a license required by law for operating a facility that is suitable for producing a weapon prohibited by an international treaty.

(4) The punishment shall be imprisonment for five to fifteen years if the criminal offence specified in paragraph (3) is committed

a) regularly for generating income,

b) in a criminal conspiracy, or

c) as a public officer.

(5) The punishment shall be imprisonment for ten to twenty years or life if

a) the criminal offence specified in paragraph (1) is committed regularly for generating income, or

b) the criminal offence specified in paragraphs (1) to (2) is committed in a criminal conspiracy or as a public officer.

(6) A person who commits preparation for the abuse of a weapon prohibited by an international treaty shall be punished by imprisonment for one to five years.

(7) A person who commits the criminal offence specified in paragraph (2) by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

Violation of an international economic restriction

Section 327 (1) A person who violates

a) his obligation concerning the freezing of funds or economic resources, or

b) an economic, trade or financial prohibition

established by a regulation adopted under Articles 75 and 215 of the Treaty on the Functioning of the European Union and promulgated in Hungary under an international law obligation, by a regulation or decision adopted under authorisation granted by such a regulation, or by a Council decision adopted under Article 29 of the Treaty on European Union is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if the violation of an international economic restriction is committed

a) concerning trade in goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment,

b) by violence, or

c) as a public officer.

(3) The punishment shall be imprisonment for five to ten years if the violation of an international economic restriction is committed

a) concerning trade in guns, ammunition, explosives, detonating equipment, appliances serving for using such items or other goods for military use,

b) with a weapon, or

c) in a criminal conspiracy.

(4) A person who commits preparation for the criminal offence of violation of an international economic restriction shall be punished by imprisonment for up to three years.

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(5) For the purposes of this section and unless otherwise provided in the law promulgating the obligation or prohibition under an international law obligation,

a) funds means the assets specified in Article 1(l) of Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 (for the purposes of this paragraph hereinafter "Regulation (EU) No 267/2012"),

b) freezing of funds has the meaning laid down in Article 1(k) of Regulation (EU) No 267/2012,

c) economic resources has the meaning laid down in Article 1(h) of Regulation (EU) No 267/2012,

d) freezing of economic resources has the meaning laid down in Article 1(j) of Regulation (EU) No 267/2012,

e) goods that could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment means goods specified in Annex II to Regulation (EU) 2019/125 of the Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (for the purposes of this Chapter hereinafter "Regulation (EU) 2019/125 of the Parliament and of the Council").

Failure to report a violation of an international economic restriction

Section 328 (1) A person who obtains credible knowledge of a violation of an international economic restriction that is about to be committed, or that such a criminal offence has been committed without being discovered, and he fails to report it to the authorities as soon as he can is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) A relative of the perpetrator shall not be liable to punishment for failure to report a violation of an international economic restriction.

Abuse of military products or services

Section 329 (1) A person who

a) manufactures, places on the market a military product or provides a military service without or exceeding the limits of an authorisation,

b) uses a military product in deviation from the authorisation,

c) produces, acquires, uses, keeps, hands over, places on the market, or imports to, exports from, or transports through, the territory of the country a prohibited military product,

is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) A person shall be punished under paragraph (1) if he

a) provides technical support for the development, manufacturing, trade, maintenance, repair, detection, identification or proliferation of chemical, biological or nuclear weapons, other nuclear explosives or rockets capable of delivering such weapons,

b) provides technical assistance concerning military use other than those specified in point a), concerning a country to which exporting weapons by Hungary is prohibited under an international commitment.

(3) The punishment shall be imprisonment for five to ten years if the criminal offence specified in paragraph (1) is committed in a criminal conspiracy or regularly for generating income.

(4) A person who commits preparation for the abuse of military products or services shall be punished by imprisonment for one to five years.

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(5) For the purposes of this section:

a) authorisation also means an International Import Certificate and any other substitute document,

b) military product also means goods specified in Annex III to Regulation (EU) 2019/125 of the Parliament and of the Council,

c) prohibited military product means goods specified in Annex II to Regulation (EU) 2019/125 of the Parliament and of the Council.

Abuse of dual-use products

Section 330 (1) A person who

a) places on the market a dual-use product internationally, including its transfer within the customs territory of the European Union, without or exceeding the limits of an authorisation, or

b) uses a dual-use product in deviation from his authorisation,

is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if the criminal offence specified in paragraph (1) is committed

a) concerning the transfer of a chemical substance falling within the scope of Annex 1 to Act LXIII of 2020 promulgating changes to the Annex to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, signed in Paris on 13 January 1993, to the territory of Hungary or from Hungary to the customs territory of the European Union, or

b) concerning a nuclear dual-use product.

(3) A person who commits preparation for abuse of dual-use products shall be punished by imprisonment for up to three years.

(4) For the purposes of this section:

a) authorisation also means an International Import Certificate and any other substitute document,

b) dual-use product means a dual-use item as defined in Article 2(1) of Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items,

c) the customs territory of the European Union means the territory specified in Article 4 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code.

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CHAPTER XXXII

CRIMINAL OFFENCES AGAINST PUBLIC PEACE

Incitement to war

Section 331 (1) A person who, in front of a large audience, incites to war or otherwise engages in the promotion of war is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person who, in front of a large audience, incites support for terrorism or otherwise engages in the promotion of terrorism shall be punished under paragraph (1), unless a criminal offence of greater gravity is established.

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Incitement against a community

Section 332 (1) A person who, in front of a large audience, incites to violence or hatred against

a) the Hungarian nation,

b) a national, ethnic, racial or religious group or a member of such a group, or

c) certain groups of society or a member of such groups, particularly with regard to any disability, sexual identity or sexual orientation,

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who, in front of a large audience, incites to violence or hatred against a national, ethnic, racial or religious group or a member of such a group by

a) denying or questioning the occurrence of an act;

b) trivialising or seeking to justify an act

punishable under Chapter XIII or XIV that was committed against that national, ethnic, racial or religious group, shall also be punished under paragraph (1).

Internet aggression

Section 332/A (1) A person who, in front of a large audience, uses or publishes an expression, depiction or audio-visual recording through an electronic communications network that expresses an intention or wish toward a violent punishable act

a) causing death; or

b) committed with special cruelty

against an identifiable person or identifiable persons is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless a criminal offence of greater gravity is established.

(2) A person shall not be liable to punishment for the criminal offence specified in paragraph (1) if he commits the criminal offence for an awareness-raising, educational, scientific or artistic purpose or for the purpose of providing information about historical or current events, provided that the act is not capable of causing fear.

Public denial of the crimes of national socialist and communist regimes

Section 333 (1) A person who, in front of a large audience, denies, questions, trivialises or seeks to justify the genocide and other crimes against humanity committed by the national socialist and communist regimes is guilty of a felony and shall be punished by imprisonment for up to three years.

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Defamation of national symbols

Section 334 A person who verbally insults or humiliates or otherwise dishonours the national anthem, flag or coat of arms of Hungary or the Holy Crown in front of a large audience is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless a criminal offence of greater gravity is established.

Use of symbols of despotism

Section 335 A person who, in a manner capable of disturbing public peace or, in particular, violating the human dignity of or the right to respect for the deceased victims of despotic regimes,

a) disseminates,

b) uses in front of a large audience, or

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c) displays in public

a swastika, SS insignia, arrow cross, hammer and sickle, five-pointed red star, or any symbol depicting such signs is guilty of a misdemeanour and shall be punished by confinement, unless a criminal offence of greater gravity is established.

Incitement against a provision of an authority

Section 336 A person who incites general disobedience against a provision of an authority in front of a large audience and in a manner capable of disturbing public peace is guilty of a felony and shall be punished by imprisonment for up to three years.

Fearmongering

Section 337 (1) A person who, at a site of public danger and in front of a large audience, states or disseminates any untrue fact or any misrepresented true fact with regard to the public danger that is capable of causing disturbance or unrest in a larger group of persons at the site of public danger is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who, during the period of a special legal order and in front of a large audience, states or disseminates any untrue fact or any misrepresented true fact that is capable of hindering or preventing the efficiency of protection is guilty of a felony and shall be punished by imprisonment for one to five years.

Threatening with public danger

Section 338 (1) A person who states or disseminates any untrue fact, which is capable of disturbing public peace, or pretends that an event resulting in public danger is about to happen, is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence of threatening with public danger resulted in any serious disturbance of public peace.

Nuisance

Section 339 (1) A person who displays a conspicuously anti-social and violent conduct that is capable of causing outrage or alarm in others is guilty of a misdemeanour and shall be punished by imprisonment for up to two years, unless a criminal offence of greater gravity is established.

(2) The punishment shall be imprisonment for up to three years for committing a felony if nuisance is committed

a) by a group,

b) by seriously disturbing public peace,

c) with a weapon,

d) with an instrument capable of causing death, or

e) at a public event or assembly.

Disorderly conduct

Section 340 (1) A person who resists, by violence or threat, a lawful measure taken by an organiser or staff member of a public event or assembly to maintain order is guilty of a misdemeanour and shall be punished by imprisonment for up to two years, unless a criminal offence of greater gravity is established.

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(2) At a sports competition, a person who, without authorisation, enters or stays in an area of the facility that is not open to spectators or a specified group of spectators, or who throws any item that endangers the sports competition or the physical integrity of another person into such area shall be punished under paragraph (1), unless a criminal offence of greater gravity is established.

(3) The punishment shall be imprisonment for up to three years for committing a felony if disorderly conduct is committed

a) by a group,

b) with a weapon,

c) with an instrument capable of causing death, or

d) by a special recidivist,

e) in violation of a restriction ensuring the peaceful nature of an assembly pursuant to the Act on the right of assembly.

(4) For the purposes of special recidivism, the following criminal offences shall be considered similar:

a) causing bodily harm [section 164 (3) to (6) and (8)],

b) violence against a public officer [section 310 (1) to (5)], violence against a person performing public duties (section 311), violence against a person assisting a public officer or a person performing public duties (section 312),

c) nuisance (section 339),

d) vandalism [section 371 (1) to (6)].

Ban on entering certain areas

Section 341 The perpetrator of a criminal offence of nuisance or disorderly conduct may also be subject to a ban on entering certain areas.

CHAPTER XXXIII

CRIMINAL OFFENCES AGAINST PUBLIC CONFIDENCE

Public deed forgery

Section 342 (1) A person who

a) makes a false public deed or falsifies the content of a public deed,

b) uses a false or falsified public deed or an authentic public deed issued with the name of another person,

c) participates in the recording of any untrue data, fact or statement in a public deed pertaining to the existence, modification or termination of a right or obligation,

is guilty of a felony and shall be punished by imprisonment for up to three years.

(1a) There shall be no criminal offence specified in paragraph (1) c) as regards the notification of an address to the register of the personal and address data of citizens if it takes place with consent from the accommodation provider or if the notified address is that of a real estate owned by the notifying person.

(2) A person who commits preparation for the criminal offence of public deed forgery as specified in paragraph (1) a) or b) is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(3) A person who commits the criminal offence of public deed forgery as specified in paragraph (1) c) by negligence is guilty of a misdemeanour and shall be punished by confinement.

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Section 343 (1) A public officer who, by abusing his official competence,

a) makes a false public deed,

b) falsifies the content of a public deed, or

c) falsely records a material fact in a public deed

is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The provisions laid down in this section shall apply accordingly to members of authorities of foreign states pursuing any task relating to the administration of justice or law enforcement proceeding, under an Act, within the territory of Hungary.

Unauthorised activity related to education

Section 343/A (1) A person who

a) draws up a document liable to be confused with a diploma certifying professional qualification that can be obtained in higher education, or a certificate certifying vocational qualification that can be obtained in a programme provided outside the school system or a vocational programme provided within the school system, or

b) grants, without authorisation,

ba) a diploma certifying professional qualification,

bb) an academic qualification,

bc) a title, or

bd) an abbreviated form

specified, or liable to be confused with those specified, in the Act on national higher education,

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person who commits the criminal offence defined in paragraph (1) in a criminal conspiracy or regularly for generating income, is guilty of a felony and shall be punished by imprisonment for up to three years.

Security document forgery

Section 344 (1) A person who

a) makes a false security document authorising access, as defined in a separate law,

b) falsifies the content of a security document authorising access, as defined in a separate law,

c) uses a false or falsified security document authorising access as defined in a separate law or an authentic document of that kind issued with the name of another person,

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years, unless a criminal offence of greater gravity is established.

Using false private deed

Section 345 A person who uses a false or falsified private deed, or a private deed with untrue content, as evidence for the existence, modification, or termination of a right or obligation is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

Abuse of a deed

Section 346 (1) A person who unlawfully

a) acquires one or more public deeds that are not his, or not only his, from another person without his consent,

b) destroys or damages one or more public deeds that are not his, or not only his, or

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c) takes away or conceals one or more public deeds that are not his, or not only his, from another person

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person who hands over or receives a public deed for illicit gain shall be punished under paragraph (1), unless another criminal offence is established.

(3) A person who commits the criminal offence specified in paragraph (1) regarding a private deed to gain or cause any undue advantage or disadvantage shall be punished by imprisonment for up to one year.

Abuse of unique identification mark

Section 347 (1) A person who

a) removes or falsifies a unique identification mark,

b) acquires, uses or disposes of a thing, the unique identification mark of which is false, falsified or has been removed,

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence specified in paragraph (1) is committed regularly for generating income or in a criminal conspiracy.

(3) For the purposes of this section, a unique identification mark means a mark affixed onto a thing, for the possession or designated use of which an authority permit is required by law, or its component by the manufacturer or an authority for unique identification.

Tampering with the odometer of a motor vehicle

Section 348 A person who for illicit gain, falsifies the value displayed by the odometer of a public-road motor vehicle by tampering with the odometer or interfering with the measuring process, or prevents the odometer from functioning, is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless a criminal offence of greater gravity is established.

Illegal acquisition of agricultural or forestry land

Section 349 (1) A person who enters into a contract that is null and void for the purpose of

a) acquiring the ownership of agricultural or forestry land;

b) establishing any usufructuary right or right of use concerning agricultural or forestry land

by circumventing any applicable statutory prohibition or restriction is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person who uses or collects the benefits of agricultural or forestry land under an agreement concluded to conceal a contract that is null and void and was entered into by him by circumventing any applicable statutory prohibition or restriction for

a) acquiring the ownership of agricultural or forestry land;

b) establishing any usufructuary right or right of use concerning agricultural or forestry land

is guilty of a felony and shall be punished by imprisonment for up to three years, unless a criminal offence of greater gravity is established.

(3) An attorney-at-law, a registered in-house legal counsel, or a notary shall be punished under paragraph (1) if he participates in the conclusion of a contract as specified in paragraph (1).

(4) The punishment of the perpetrator of the criminal offence specified in paragraphs (1) and (2) may be reduced without limitation if he notifies the authorities of the criminal offence and reveals the circumstances of its commission before the authority becomes aware of them.

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Illegal manipulation of sports results

Section 349/A (1) A person who enters into an agreement preventing the results of a competition or match organised within the competition system or listed on the competition schedule of a sports association from being decided in line with the competition regulations and the principles of fair play is guilty of a felony and shall be punished by imprisonment for up to three years, unless another criminal offence is established.

(2) The punishment shall be imprisonment for one to five years if the criminal offence is committed in a criminal conspiracy or regularly for generating income.

CHAPTER XXXIV

CRIMINAL OFFENCES AGAINST THE ORDER OF PUBLIC ADMINISTRATION

Criminal offence against the order of election, referendum and European citizens' initiative

Section 350 (1) A person who, in the course of an election, referendum or European citizens' initiative falling within the scope of the Act on electoral procedure or the Act on initiating referendums, the European citizens' initiative and the referendum procedure

a) acquires any recommendation in violation of the rules of nomination procedures by violence, threat, deception or for financial benefits,

b) acquires any signature by violence, threat, deception or for financial benefits, to initiate a referendum or a European citizens' initiative,

c) votes without eligibility,

d) gives his signature without eligibility or provides false data,

e) prevents an eligible person from voting or giving his signature in an election, referendum, referendum initiative or European citizens' initiative, or seeks to influence such a person by violence, threat, deception or with financial benefits,

f) violates the secrecy of an election or referendum,

g) falsifies the results of an election, referendum, referendum initiative or European citizens' initiative,

h) accepts any financial benefit for his recommendation in a nomination procedure or his signature for a referendum initiative or a motion for a European citizens' initiative,

i) makes his vote dependent on the receipt of any financial benefit, and, in this regard, accepts any financial benefit

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2)

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Illegal influence of the will of voters

Section 350/A A member, responsible person or executive officer of a nominating organisation within the meaning of the Act on election procedure and a candidate within the meaning of the Act on election procedure who uses prohibited foreign support or material advantage originating from an agreement disguising, to circumvent this prohibition, the origin of prohibited foreign support is guilty of a felony and shall be punished by imprisonment for up to three years.

Abuse of the right of association

Section 351 (1) A person who participates in the management of an association disbanded by a court is guilty of a felony and shall be punished by imprisonment for up to three years, unless a criminal offence of greater gravity is established.

(2) A person who participates, in a manner capable of disturbing public peace, in the operation of an association disbanded by a court, is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(3) A person who provides material means for, or the conditions necessary for or facilitating, the management or operation of an association, disbanded by a court shall be punished by imprisonment for up to one year.

Illegally organising public safety activities

Section 352 A person who

a) organises, without authorisation by law, any activity aimed at maintaining public safety or public order, or

b) organises any activity giving the appearance of maintaining public safety or public order

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

Illegal crossing of the border fence

Section 352/A (1) A person who, without authorisation, enters the territory of Hungary protected by a facility safeguarding the order of the state border through that facility is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence specified in paragraph (1) is committed

a) with a weapon;

b) with an instrument capable of causing death;

c) by a participant of a mass disturbance.

(3) A person who commits the criminal offence specified in paragraph (1) as a participant of a mass disturbance with a weapon or an instrument capable of causing death shall be punished by imprisonment for two to eight years.

(4) The punishment shall be imprisonment for five to ten years if the criminal offence specified in paragraph (2) or (3) causes death.

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Vandalisation of the border fence

Section 352/B (1) A person who destroys or damages a facility or instrument safeguarding the order of the state border is guilty of a felony and shall be punished by imprisonment for one to five years, unless a criminal offence of greater gravity is established.

(2) The punishment shall be imprisonment for two to eight years if the criminal offence specified in paragraph (1) is committed

a) with a weapon,

b) with an instrument capable of causing death,

c) by a participant in a mass disturbance.

(3) A person who commits the criminal offence specified in paragraph (1) as a participant of a mass disturbance with a weapon or an instrument capable of causing death shall be punished by imprisonment for five to ten years.

(4) The punishment shall be imprisonment for ten to twenty years if the criminal offence specified in paragraph (2) or (3) causes death.

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Obstructing construction works related to the border fence

Section 352/C A person who obstructs any work relating to the construction or maintenance of a facility safeguarding the order of the state border commits a misdemeanour and shall be punished by imprisonment for up to one year, unless another criminal offence is established.

People smuggling

Section 353 (1) A person who assists another person to cross the state border in violation of the law is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if people smuggling is committed

a) for financial gain,

b) by assisting more than one person in crossing the state border, or

c) by destroying or damaging a facility or instrument safeguarding the order of the state border.

(3) The punishment shall be imprisonment for five to ten years if people smuggling is committed

a) by tormenting the smuggled person,

b) with a weapon,

c) with an instrument capable of causing death,

d) regularly for generating income, or

e) in a criminal conspiracy.

(4) The punishment shall be imprisonment for five to fifteen years if

a) the people smuggling as defined in paragraph (3) a) is committed in a manner specified in points b) to e),

b) the people smuggling as defined in paragraph (3) b) is committed in a manner specified in points a) or c) to e).

(5) A person organising or leading the commission of a criminal offence specified in paragraph (3) or (4) shall be punished by imprisonment for ten to twenty years.

(6) A person who commits preparation for people smuggling shall be punished by imprisonment for up to three years.

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Facilitating and assisting illegal immigration

Section 353/A (1) A person who participates in another person initiating, in Hungary, a proceeding enabling the acquisition of a legal title for asylum or residence by making a false statement or withholding any true fact as regards a circumstance having a material impact on the authority proceeding or, in such a proceeding, in another person making a false statement or withholding any true fact as regards a circumstance having a material impact on the authority proceeding is guilty of a misdemeanour and shall be punished by confinement, unless a criminal offence of greater gravity is established.

(2) The organiser of the criminal offence specified in paragraph (1) shall be punished by imprisonment for up to one year.

(3) A person shall be punished under paragraph (2) if he commits the criminal offence specified in paragraph (1)

a) for financial gain, or

b) by assisting more than one person.

(4) A person who provides material means for the commission of a criminal offence specified in paragraphs (1) and (2) shall be punished under paragraph (2).

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(5) For a criminal offence specified in paragraphs (1) to (4), before the main case in which the criminal offence was committed is finished, criminal proceedings may only be launched upon a crime report filed by the authority proceeding in the main case. Except for such a crime report, the statute of limitations regarding a criminal offence specified in paragraphs (1) to (4) shall commence on the day when the main case is finished.

(6) The perpetrator of a criminal offence specified in paragraph (1) shall not be liable to punishment if

a) by revealing the truth, the person subject to the authority proceeding would accuse himself or a relative of his of committing a criminal offence; or

b) he notifies the authorities of the criminal offence and reveals the circumstances of its commission before the authority becomes aware of them.

(7) The punishment of the perpetrator of a criminal offence specified in paragraphs (2) to (4) may be reduced without limitation or, in cases deserving special consideration, may be dispensed with if he notifies the authorities of the criminal offence and reveals the circumstances of its commission before the authority becomes aware of them.

Facilitating illegal residence

Section 354 (1) A person who, for financial gain, assists a person in residing illegally in the territory of

a) a Member State of the European Union,

b) another state which is a party to the Agreement on the European Economic Area, or

c) a state of nationality of a person having the same status as a national of a state which is a party to the Agreement on the European Economic Area

even though that person is not a national of any of the above states is guilty of a misdemeanour and shall be punished by imprisonment for up to two years, unless a criminal offence of greater gravity is established.

(2) A person who, for financial gain, assists a foreign person to reside in Hungary illegally shall be punished under paragraph (1), unless a criminal offence of greater gravity is established.

Family relationship fraud

Section 355 A person who has attained the age of eighteen years who, for financial gain, enters into any family relationship or consents to a declaration of paternity with full effect for the sole purpose of having a document confirming any title to residence issued is guilty of a misdemeanour and shall be punished by imprisonment for up to two years, unless a criminal offence of greater gravity is established.

Illegal employment of a third-country national

Section 356 (1) A person who employs

a) a third-country national who does not hold a permit issued for work purpose regularly or permanently, or

b) a significant number of third-country nationals who do not hold a permit issued for work purpose simultaneously

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person is guilty of a felony and shall be punished by imprisonment for up to three years if he

a) employs, under particularly exploitative working conditions, a third-country national who does not hold a permit issued for work purpose,

b)

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(3) For the purposes of this section:

a) particularly exploitative working conditions has the meaning defined in the Act laying down the general rules on the entry and residence of third-country nationals,

b) significant number means at least five persons.

Damaging monuments or other protected cultural goods

Section 357 (1) A person who damages a monument or an item owned by him qualifying as protected cultural goods or an archaeological site located on a real estate owned by him is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who

a) destroys a monument or an item owned by him qualifying as protected cultural goods,

b) causes any irreparable damage to a monument owned by him, as a result of which the monument ceases to be a monument, or

c) causes any irreparable damage to an item owned by him qualifying as protected cultural goods or an archaeological site that he owns

shall be punished by imprisonment for one to five years.

(3) A person who commits a criminal offence specified in paragraphs (1) to (2) as regards cultural property under foreign protection owned by him shall be punished as set out therein.

Abuse of protected cultural goods

Section 358 (1) A person who

a) alienates an item of a protected collection or a piece of a protected set of items without the prior consent required by law,

b) fails to perform his statutory obligation to give notice of any change to the ownership of an item, collection or set qualifying as protected cultural goods,

c) transports an item, collection or set qualifying as protected cultural goods to another country without permission, or exceeds the limits of his export licence

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who transports an item, collection or set qualifying as cultural goods, the export of which is subject to a licence, to another country without permission, or who exceeds the limits of his export licence shall be punished under paragraph (1).

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Violation of obligations related to keeping dangerous animals or dangerous dogs

Section 359 (1) A person who

a) keeps, breeds, alienates or imports to the territory of the country a dangerous animal without permission,

b) violates any safety-related statutory provision regarding the keeping of a dangerous animal

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person shall be punished under paragraph (1) if he

a) concerning a dangerous dog,

aa) breeds, imports to or exports from the territory of the country, enters it into a competition or keeps it without permission

ab) alienates or acquires it in violation of the law, or

b) concerning a dangerous dog,

ba) violates his statutory obligation regarding its sterilisation, or

bb) violates a safety-related statutory provision regarding its keeping.

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(3) A person who keeps or trains a dangerous dog for guarding tasks, or has a dangerous dog perform such a task, is guilty of a felony and shall be punished by imprisonment for up to three years.

(4) For the purposes of this section, a dangerous dog means a dog specifically declared to be dangerous in an authority decision.

Organising illegal gambling

Section 360 A person who

a) regularly organises illegal gambling,

b) makes available any premises or equipment to organise illegal gambling regularly, or

c) invites others in front of a large audience, to participate in illegal gambling

is guilty of a felony and shall be punished by imprisonment for up to three years.

Violation of epidemic control regulations

Section 361 A person who

a) violates the rules on epidemiological isolation, observation, quarantine or monitoring ordered to prevent the introduction or spread of an infectious disease serving as ground for a compulsory quarantine,

b) violates the rules on epidemiological isolation, observation, quarantine or monitoring ordered during the period of an epidemic,

c) violates the rules on a phytosanitary- or epizootic-related measure ordered to eliminate all occurrences or prevent the importation, exportation or spread of an infectious animal disease or a plant quarantine pest

is guilty of a misdemeanour and shall be punished by confinement.

Violation of obligations related to genetically modified plant varieties

Section 362 A person who

a) illegally imports to, stores, transports, or places on the market in the territory of the country, or releases to the environment, the reproductive material of a genetically modified plant variety not licensed in the European Union,

b) illegally releases to the environment the reproductive material of a genetically modified plant variety, the licence of which does not cover use for cultivation purposes in the European Union,

c) violates an import, production, storage, transport, marketing or usage-related prohibition introduced as a safety measure for the period of a safeguard clause procedure, concerning the reproductive material of a genetically modified plant variety, the license of which covers use for cultivation purposes in the European Union,

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

Violation of obligations related to State Audit Office inspections

Section 363 (1) A person who violates his obligation to cooperate, as defined in the Act on the State Audit Office, during an audit carried out by the State Audit Office and, by doing so, obstructs the audit process is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A leader of an audited organisation shall be punished under paragraph (1) if he fails to send an action plan to the State Audit Office even after receipt of a written request.

(3) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence of paragraph (1) frustrates the audit process.

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Ban on entering certain areas

Section 364 The perpetrator of the criminal offence of people smuggling, illegal crossing of the border fence, vandalisation of the border fence, obstructing construction works related to the border fence, facilitating illegal residence, facilitating and assisting illegal immigration, and organising illegal gambling may also be subject to a ban on entering certain areas.

CHAPTER XXXV

VIOLENT CRIMINAL OFFENCES AGAINST PROPERTY

Robbery

Section 365 (1) A person who, for the purpose of illegally appropriating it, takes a thing not owned by him away from another person by

a) using violence or direct threat to life or physical integrity against a person, or

b) rendering that person unconscious or incapable of self-defence

is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) The use of violence or direct threat to life or physical integrity by a thief, who is caught in the act, for the purpose of keeping a thing shall also constitute robbery.

(3) The punishment shall be imprisonment for five to ten years if robbery is committed

a) with a weapon,

b) with an instrument capable of causing death,

c) by a group,

d) in a criminal conspiracy,

e) for a significant value,

f) against a public officer, foreign public officer or a person performing public duties in the course of his official procedures or performing his duties,

g) against a person with limited ability to recognise or avert the criminal offence due to his old age or disability.

(4) The punishment shall be imprisonment for five to fifteen years if robbery is committed

a) for a value the extent of which is particularly large or greater,

b) for a significant value in a manner specified in paragraph (3) a) to d),

c) in a manner specified in paragraph (3) a) to d), against a public officer, foreign public officer or a person performing public duties in the course of his official procedures or performing his duties.

(5) A person who commits preparation for robbery is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

Robbery of a vulnerable person

Section 366 (1) A person who, for the purpose of illegally appropriating it, takes a thing not owned by him away from another person

a) by inebriating or intoxicating that person for this purpose,

b) who is under the influence of any violence or direct threat to life or physical integrity used by the perpetrator in the course of committing another criminal offence, or

c) who is incapable of self-defence or has limited ability to recognise or avert the criminal offence due to his old age or disability

is guilty of a felony and shall be punished by imprisonment for one to five years.

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(2) The punishment shall be imprisonment for two to eight years if the robbery of a vulnerable person is committed

a) for a significant value,

b) by a group,

c) in a criminal conspiracy.

(3) The punishment shall be imprisonment for five to ten years if the robbery of a vulnerable person is committed

a) for a value the extent of which is particularly large or greater,

b) for a significant value by a group or in a criminal conspiracy.

Extortion

Section 367 A person who, for illicit gain, coerces another person by violence or threat to do, not to do or to tolerate something, and thereby causes any pecuniary loss, is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if extortion is committed

a) in a criminal conspiracy,

b) using a direct threat to life or physical integrity or any other threat of similar gravity,

c) by a public officer using that capacity,

d) by pretending to act under an official mandate or in an official capacity.

Self-administered justice

Section 368 A person who, for the purpose of enforcing a property claim that is lawful or presumed to be lawful, coerces another person by violence or threat to do, not to do or to tolerate something is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years if the criminal offence of self-administered justice is committed

a) with a weapon,

b) with an instrument capable of causing death,

c) by a group,

d) against a person who is incapable of self-defence.

(3) The criminal offence of self-administered justice is not committed if the use of violence or threat is a permitted means of enforcing the claim.

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Interpretative provisions

Section 369 For the purposes of this Chapter, concerning special recidivism, violent criminal offences against property and criminal offences against property shall be considered similar criminal offences.

CHAPTER XXXVI

CRIMINAL OFFENCES AGAINST PROPERTY

Theft

Section 370 (1) A person who, for the purpose of illegally appropriating it, takes a thing not owned by him away from another person is guilty of theft.

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(2) The punishment shall be imprisonment for up to two years for committing a misdemeanour if

a) theft is committed for a smaller value, or

b) theft for a value up to the infraction threshold is committed

ba) in a criminal conspiracy,

bb) regularly for generating income,

bc) by using force against a thing, including cases where a device used to prevent the appropriation of a thing is removed or otherwise rendered incapable of preventing such appropriation without causing any damage,

bd) by pickpocketing,

be) by also taking one or more public deeds, private deeds or non-cash payment instruments at the same time,

bf) by entering premises or a fenced area of them by way of deception or without the knowledge or consent of an authorised person or user,

bg) using a fake or stolen key,

bh) against a person using the home or similar premises together with the perpetrator, or

bi) by cutting down any tree in a forest illegally.

(3) The punishment shall be imprisonment for up to three years for committing a felony if

a) theft is committed for a larger value,

b) theft for a smaller value is committed

ba) in a manner specified in paragraph (2) ba) to be),

bb) concerning an item qualifying as protected cultural goods, an archaeological find, or movable cultural property under foreign protection,

bc) concerning an object of religious worship,

bd) concerning an item located on a corpse or an item used to commemorate a deceased person in a cemetery or a burial memorial place,

be) concerning a precious metal, or

c) theft is committed for a value up to the infraction threshold at a site of public danger.

(4) The punishment shall be imprisonment for one to five years if

a) theft is committed for a significant value, or

b) theft is committed for a larger value in a manner specified in paragraph (2) ba) to be) or at a site of public danger.

(5) The punishment shall be imprisonment for two to eight years if

a) theft is committed for a particularly large value, or

b) theft is committed for a significant value in a manner specified in paragraph (2) ba) to be) or at a site of public danger.

(6) The punishment shall be imprisonment for five to ten years if

a) theft is committed for a particularly significant value, or

b) theft is committed for a particularly large value in a manner specified in paragraph (2) ba) to be) or at a site of public danger.

Vandalism

Section 371 (1) A person who causes damage by destroying or damaging an asset he does not own is guilty of vandalism.

(2) The punishment shall be imprisonment for up to one year for committing a misdemeanour if

a) vandalism causes smaller damage, or

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b) vandalism causing any damage not exceeding the infraction threshold is committed

ba) by making graffiti, or

bb) in a criminal conspiracy.

(3) The punishment shall be imprisonment for up to three years for committing a felony if

a) vandalism causes larger damage,

b) the perpetrator damages

ba) an item, qualifying as protected cultural goods, a monument, an archaeological site, an archaeological find, or movable cultural property under foreign protection,

bb) an object of religious worship or a church or another place of religious worship,

bc) a burial site, a burial memorial place or an item used to commemorate a deceased person in a cemetery or a burial memorial place.

(4) The punishment shall be imprisonment for one to five years if

a) vandalism causes significant damage,

b) the perpetrator destroys an object, building or site specified in paragraph (3) ba) to bc),

c) vandalism is committed using explosives or detonating equipment.

(5) The punishment shall be imprisonment for two to eight years if vandalism causes particularly large damage.

(6) The punishment shall be imprisonment for five to ten years if vandalism causes particularly significant damage.

(7) For the purposes of this section, graffiti means a covering layer, which is not necessary for the designated use of the asset concerned, produced by spray-paint, felt-tip pen or any other surface-treating material and depicting an image, graphic or text.

Embezzlement

Section 372 (1) A person who illegally appropriates a thing not owned by but entrusted to him, or disposes of it as his own is guilty of embezzlement.

(2) The punishment shall be imprisonment for up to two years for committing a misdemeanour if

a) embezzlement is committed for a smaller value, or

b) embezzlement is committed for a value up to the infraction threshold

ba) in a criminal conspiracy,

bb) at a site of public danger,

bc) regularly for generating income.

(3) The punishment shall be imprisonment for up to three years for committing a felony if

a) embezzlement is committed for a larger value,

b) embezzlement is committed for a smaller value in a manner specified in paragraph (2) ba) to bc), or

c) embezzlement is committed concerning an item qualifying as protected cultural goods, an archaeological find, or movable cultural property under foreign protection.

(4) The punishment shall be imprisonment for one to five years if

a) embezzlement is committed for a significant value,

b) embezzlement is committed for a larger value in a manner specified in paragraph (2) ba) to bc), or

c) embezzlement is committed against a person with limited ability to recognize or avert the criminal offence due to his old age or disability.

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(5) The punishment shall be imprisonment for two to eight years if

a) embezzlement is committed for a particularly large value, or

b) embezzlement is committed for a significant value in a manner specified in paragraph (2) ba) to bc).

(6) The punishment shall be imprisonment for five to ten years if

a) embezzlement is committed for a particularly significant value, or

b) embezzlement is committed for a particularly large value in a manner specified in paragraph (2) ba) to bc).

Fraud

Section 373 (1) A person who, for illicit gain, causes another person to err or maintains his error and causes damage by doing so is guilty of fraud.

(2) The punishment shall be imprisonment for up to two years for committing a misdemeanour if

a) fraud causes smaller damage, or

b) fraud causing any damage not exceeding the infraction threshold is committed

ba) in a criminal conspiracy,

bb) at a site of public danger,

bc) regularly for generating income,

bd) by pretending to collect donations for charity.

(3) The punishment shall be imprisonment for up to three years for committing a felony if

a) fraud causes larger damage, or

b) fraud causing smaller damage is committed in a manner specified in paragraph (2) ba) to bc).

(4) The punishment shall be imprisonment for one to five years if

a) fraud causes significant damage,

b) fraud causing larger damage is committed in a manner specified in paragraph (2) ba) to bc), or

c) fraud is committed against a person with limited ability to recognise or avert the criminal offence due to his old age or disability.

(5) The punishment shall be imprisonment for two to eight years if

a) fraud causes particularly large damage, or

b) fraud causing significant damage is committed in a manner specified in paragraph (2) ba) to bc).

(6) The punishment shall be imprisonment for five to ten years if

a) fraud causes particularly significant damage, or

b) fraud causing particularly large damage is committed in a manner specified in paragraph (2) ba) to bc).

(7) For the purposes of this section, any unpaid consideration for a service used shall also be considered as damage.

Economic fraud

Section 374 (1) A person who for financial gain, pretends to engage in any economic activity and causes pecuniary loss by doing so is guilty of economic fraud.

(2) The punishment shall be imprisonment for up to two years for committing a misdemeanour if the economic fraud results in a smaller pecuniary loss.

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(3) The punishment shall be imprisonment for up to three years for committing a felony if

a) economic fraud causes larger pecuniary loss, or

b) economic fraud causing smaller pecuniary loss is committed

ba) in a criminal conspiracy,

bb) regularly for generating income.

(4) The punishment shall be imprisonment for one to five years if

a) economic fraud causes significant pecuniary loss, or

b) economic fraud causing larger pecuniary loss is committed in a manner specified in paragraph (3) ba) or bb).

(5) The punishment shall be imprisonment for two to eight years if

a) economic fraud causes particularly large pecuniary loss, or

b) economic fraud causing significant pecuniary loss is committed in a manner specified in paragraph (3) ba) or bb).

(6) The punishment shall be imprisonment for five to ten years if

a) economic fraud causes particularly significant pecuniary loss, or

b) economic fraud causing particularly large pecuniary loss is committed in a manner specified in paragraph (3) ba) or bb).

Information system fraud

Section 375 (1) A person who, for illicit gain, introduces data into or alters, deletes or renders inaccessible any data processed in an information system, or interferes with the functioning of an information system by executing any other operation and causes damage by doing so is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if

a) information system fraud causes significant damage, or

b) information system fraud is committed in a criminal conspiracy or regularly for generating income and causes larger damage.

(3) The punishment shall be imprisonment for two to eight years if

a) information system fraud causes particularly large damage, or

b) information system fraud is committed in a criminal conspiracy or regularly for generating income and causes significant damage.

(4) The punishment shall be imprisonment for five to ten years if

a) information system fraud causes particularly significant damage, or

b) information system fraud is committed in a criminal conspiracy or regularly for generating income and causes particularly large damage.

(5) A person who causes damage by using or accepting as payment any false, falsified or illegally acquired electronic non-cash payment instrument shall be punished under paragraphs (1) to (4).

(6) For the purposes of paragraph (5), an electronic non-cash payment instrument issued in another country shall have the same protection as an electronic non-cash payment instrument issued in Hungary.

Misappropriation

Section 376 (1) A person who is entrusted to manage assets not owned by him and causes pecuniary loss by violating any of his corresponding obligations is guilty of misappropriation.

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(2) The punishment shall be imprisonment for up to two years for committing a misdemeanour if

a) misappropriation causes smaller pecuniary loss, or

b) misappropriation causing any pecuniary loss not exceeding the infraction threshold is committed by a guardian or custodian in that capacity.

(3) The punishment shall be imprisonment for up to three years for committing a felony if

a) misappropriation results in a larger pecuniary loss, or

b) misappropriation resulting in a smaller pecuniary loss is committed by a guardian or custodian in that capacity.

(4) The punishment shall be imprisonment for one to five years if

a) misappropriation causes significant pecuniary loss, or

b) misappropriation causing larger pecuniary loss is committed by a guardian or custodian in that capacity.

(5) The punishment shall be imprisonment for two to eight years if

a) misappropriation causes particularly large pecuniary loss, or

b) misappropriation causing significant pecuniary loss is committed by a guardian or custodian in that capacity.

(6) The punishment shall be imprisonment for five to ten years if

a) misappropriation causes particularly significant pecuniary loss, or

b) misappropriation causing particularly large pecuniary loss is committed by a guardian or custodian in that capacity.

Mismanagement

Section 377 (1) A person who is mandated with the statutory management or supervision of assets not owned by him and, by violating or neglecting his corresponding obligations, causes pecuniary loss by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The punishment shall be imprisonment for up to three years if mismanagement causes pecuniary loss, the extent of which is particularly large or greater.

Unlawful acquisition

Section 378 (1) A person who

a) appropriates a thing found but not owned by him, or fails to hand over or return such a thing to an authority or the person who lost it within eight days, or

b) fails to return within eight days or appropriates a thing that came into his possession by accident or error, but is not owned by him,

is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) The punishment shall be imprisonment for up to two years if unlawful acquisition is committed concerning an item qualifying as protected cultural goods, an archaeological find, or movable cultural property under foreign protection.

Section 379

Arbitrary taking of a vehicle

Section 380 (1) A person who takes away a motor-driven vehicle not owned by him from another person for the purpose of using it unlawfully, or unlawfully uses such a vehicle taken that way or entrusted to him is guilty of a felony and shall be punished by imprisonment for up to three years.

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(2) The punishment shall be imprisonment for one to five years if the criminal offence is committed

a) by violence or direct threat to life or physical integrity,

b) in a criminal conspiracy.

(3) The punishment shall be imprisonment for two to eight years if the criminal offence specified in paragraph (2) a) is committed with a weapon, with an instrument capable of causing death or in a criminal conspiracy.

Usury

Section 381 (1) A person who, by exploiting the vulnerable situation of another person, enters into an agreement stipulating a particularly disproportionate consideration so that the performance of that agreement could cause the obligor of the agreement, a relative of the obligor of the agreement living in the same household or a person maintained by the obligor of the agreement under a maintenance obligation to face any serious or additional serious deprivation is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if usury is committed in a criminal conspiracy or regularly for generating income.

(3) The perpetrator of usury may also be subject to a ban on entering certain areas.

(4) The punishment of a person may be reduced without limitation if he notifies the authorities of the criminal offence of usury and reveals the circumstances of the commission before the authority becomes aware thereof.

Private motion

Section 382 The perpetrator of the criminal offence of theft, vandalism, embezzlement, fraud, information system fraud, misappropriation, unlawful acquisition or arbitrary taking of a vehicle may only be punishable upon private motion if the aggrieved party is a relative of the perpetrator. This provision shall not be applied if the perpetrator is also the guardian or custodian of the aggrieved party.

Interpretative provisions

Section 383 For the purposes of this Chapter:

a) a thing also means electricity or any other commercially exploitable form of energy, as well as any document embodying a pecuniary right that confers the right of disposal over the certified pecuniary value or right in and of itself or, with regard to dematerialized securities, to the beneficiary of the securities account,

b) an object of religious worship also means an item used to perform religious rituals,

c) precious metal also means the alloys of precious metals and other materials, trading in which is subject to licensing,

d) for the purposes of special recidivism, the following criminal offences shall be considered as similar:

da) violent criminal offences against property,

db) criminal offences against property,

dc) criminal offences against intellectual property.

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CHAPTER XXXVII

CRIMINAL OFFENCES AGAINST INTELLECTUAL PROPERTY

Intellectual property infringement

Section 384 (1) A person who

a) designates the intellectual creation of another person as his own and causes pecuniary loss to the rights holder by doing so,

b) by abusing his position, title or membership in an economic operator, makes the utilisation of an intellectual creation of another person or the enforcement of any right to such a creation dependent on being provided with a share of the corresponding fee, benefit or profit realised, or being designated as a rights holder,

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) For the purposes of this section, intellectual creation means:

a) a work of literature, science or art under copyright protection,

b) a patentable invention,

c) a protectable plant variety,

d) a protectable utility model,

e) a protectable design,

f) the protectable topography of a microelectronic semiconductor product.

Violation of copyright or related rights

Section 385 (1) A person who causes pecuniary loss by violating the copyright or a related right, existing under the Act on copyright, of one or more other persons is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person shall be punished under paragraph (1) if he fails to pay the blank media fee or reprography fee payable to authors and the holders of related rights as consideration for private copying under the Act on copyright.

(3) The punishment shall be imprisonment for up to three years for committing a felony if committing violation of copyright or related rights causes larger pecuniary loss.

(4) The punishment for committing violation of copyright or related rights shall be imprisonment for

a) one to five years if committing it causes significant pecuniary loss,

b) two to eight years if committing it causes particularly large pecuniary loss,

c) five to ten years if committing it causes particularly significant pecuniary loss

for committing a felony.

(5) A person who violates the copyright or a related right, existing under the Act on copyright, of one or more other persons by reproducing or making a work available on demand does not commit the criminal offence specified in paragraph (1), provided that his Act does not serve, even indirectly, the purpose of earning an income.

Circumventing technical measures protecting intellectual property

Section 386 (1) A person who, for gain, circumvents an effective technological measure specified in the Act on copyright, is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person shall be punished under paragraph (1) if he, for the purpose of circumventing an effective technological measure specified in the Act on copyright,

a) makes, produces, hands over, makes accessible, or places on the market, any tool, product, computer program, equipment or device that is necessary for that purpose,

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b) makes available for another person any economic, technical or organisational knowledge that is necessary for or facilitates the achievement of that purpose.

(3) The punishment shall be imprisonment for up to three years for committing a felony if circumvention of a technical measure is committed regularly for generating income.

(4) A person shall not be liable to punishment for making or producing a tool, product, equipment or device that is necessary for circumventing an effective technological measure specified in the Act on copyright, provided that he informs the authorities of his actions before the authorities become aware of them, hands over the produced thing to the authorities, and enables the identification of other persons involved in the making or production of the thing.

Falsifying rights management information

Section 387 A person who, for gain,

a) makes false rights management information,

b) removes or alters any rights management information, as specified in the Act on copyright,

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

Violation of industrial property rights

Section 388 (1) A person who violates a right of industrial property protection of the rights holder provided for under an Act, an international treaty promulgated in an Act or a legal act of the European Union

a) by imitating or adopting the subject of protection,

b) by placing on the market any goods produced by imitating or adopting the subject of protection, or by acquiring or keeping such goods for the purpose of placing them on the market

and causes pecuniary loss by doing so is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The punishment shall be imprisonment for one to five years for committing a felony if the violation of industrial property rights is committed regularly for generating income.

(3) The punishment for violation of industrial property rights shall be imprisonment for

a) one to five years if committing it causes significant pecuniary loss,

b) two to eight years if committing it causes particularly large pecuniary loss,

c) five to ten years if committing it causes a particularly significant pecuniary loss.

(4) For the purposes of this section:

a) industrial property protection means:

aa) patent protection,

ab) protection of plant variety rights,

ac) a supplementary protection certificate,

ad) trademark protection,

ae) protection of geographical indications,

af) design protection,

ag)

ah)

b) goods means any marketable movable thing or service that can be taken into possession.

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Private motion

Section 388/A In the cases specified in Article 1(1) of Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003, the criminal offences specified in sections 385 and 388 may only be punishable upon private motion, unless another criminal offence that is punishable without a private motion is committed in connection with it.

Interpretative provision

Section 388/B For the purposes of this Chapter, concerning special recidivism, criminal offences against property shall be considered similar criminal offences.

CHAPTER XXXVIII

CRIMINAL OFFENCES AGAINST THE SAFETY OF MONEY AND STAMP CIRCULATION

Money counterfeiting

Section 389 (1) A person who

a) imitates or counterfeits money for the purpose of releasing into circulation,

b) acquires or imports to, exports from or transports through the territory of the country counterfeit or counterfeited money for the purpose of releasing into circulation,

c) releases counterfeit or counterfeited money into circulation,

is guilty of a felony and shall be punished by imprisonment for two to eight years.

(2) The punishment shall be imprisonment for five to fifteen years if money counterfeiting is committed

a) for money, the value of which is particularly large or greater, or

b) in a criminal conspiracy.

(3) A person who commits preparation for money counterfeiting shall be punished by imprisonment for up to three years.

(4) The punishment of a person may be reduced without limitation if he releases into circulation counterfeit or counterfeited money the value of which is smaller or less that he lawfully received as authentic money.

(5) For the purposes of this section:

a) money means banknotes and coins that are or are to become legal tender at a specified future date pursuant to a law, a legal act of the European Union or an official communication released by an institution authorised to issue money, as well as banknotes and coins withdrawn from circulation, provided that the central bank of the country issuing the withdrawn banknote or coin is obliged, by law or a legal act of the European Union, or undertook an obligation to exchange the withdrawn banknote or coin to legal tender,

b) printed securities issued in series shall be considered the same as banknotes, provided that their transfer is not restricted or prohibited by law or a statement recorded on the securities,

c) imitation of money also means the modification of money withdrawn from circulation in such a way that it gives the impression of money in circulation,

d) counterfeiting money also means the use or removal of a mark used to indicate that the money is valid in a particular country only, as well as the reduction of the money's precious metal content.

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(6) Foreign money and securities shall have the same protection as domestic money and securities.

Facilitating money counterfeiting

Section 390 (1) A person who makes, hands over, accepts, acquires, keeps, imports to, exports from, transports through the territory of the country, or places on the market any material, tool, equipment, production plan, technical description or computer program that is necessary for money counterfeiting is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The punishment shall be imprisonment for up to three years for committing a felony if facilitating money counterfeiting is committed in a criminal conspiracy or regularly for generating income.

Stamp counterfeiting

Section 391 (1) A person who, for the purpose of using or releasing into circulation,

a) imitates or counterfeits a stamp,

b) acquires or imports to, exports from or transports through the territory of the country a counterfeit or counterfeited stamp

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who releases into circulation or uses a counterfeit, counterfeited or used stamp as authentic or unused shall be punished under paragraph (1).

(3) The punishment shall be imprisonment for one to five years if stamp counterfeiting is committed

a) for stamps, the value of which is particularly large or greater, or

b) in a criminal conspiracy.

(4) The punishment shall be imprisonment for up to one year for committing a misdemeanour if stamp counterfeiting is committed for stamps the value of which is smaller or less.

(5) For the purposes of this section:

a) stamp means

aa) postage stamps, even if they have not yet been released into circulation or have been withdrawn from circulation,

ab) a mark indicating prepayment of a postal service, an impression of a franking machine, a postal overprint, inscription or mark concerning payment or an international reply coupon,

ac) stamps issued by an authority as a means of performing payment obligations, even if they have not yet been released into circulation or have been withdrawn from circulation, as long as the state is obliged by law to buy back and replace such stamps,

ad) authority stamps used to certify the nature or components of metal,

ae) authority stamps used to secure tax payment, and authority stamps used to certify the quality, quantity or other material characteristics of a product,

af) stamps and seals used by the metrological authority to certify the calibration and examination of a measuring instrument or the volume of a barrel,

b) releasing into circulation shall also mean placing on the market for stamp collecting,

c) counterfeiting shall also mean the unauthorised modification of a stamp for collection.

(6) Foreign stamps shall have the same protection as domestic stamps.

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Counterfeiting non-cash payment instruments

Section 392 (1) A person who, for the purpose of use,

a) counterfeits a non-cash payment instrument,

b) makes a counterfeit non-cash payment instrument, or

c) records data stored on an electronic non-cash payment instrument or related security elements, using technical means

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person who commits preparation for counterfeiting non-cash payment instruments shall be punished by confinement.

(3) A non-cash payment instrument and an electronic non-cash payment instrument issued in another country shall have the same protection as a non-cash payment instrument issued in Hungary.

Abuse of non-cash payment instruments

Section 393 (1) A person who

a) takes away or acquires any non-cash payment instrument, which is not owned or may be used by him exclusively, from another person illegally and without the consent of that person,

b) hands over, acquires or imports to, exports from or transports through the territory of the country any counterfeit or counterfeited non-cash payment instrument or data stored on an electronic non-cash payment instrument or any related security element taken or acquired in a manner specified in point a)

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The punishment shall be imprisonment for up to three years for committing a felony if abuse of non-cash payment instruments is committed in a criminal conspiracy or regularly for generating income.

(3) A non-cash payment instrument issued in another country shall have the same protection as a non-cash payment instrument issued in Hungary.

Facilitating the counterfeiting of non-cash payment instruments

Section 394 (1) A person who makes, acquires, keeps, hands over, places on the market, imports to, exports from, or transports through the territory of the country any material, tool, equipment or computer program that is necessary for counterfeiting non-cash payment instruments or recording any data stored on a non-cash payment instrument using technical means is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence specified in paragraph (1) is committed in a criminal conspiracy or regularly for generating income.

CHAPTER XXXIX

CRIMINAL OFFENCES DAMAGING THE BUDGET

Abuse of social security, social or other welfare benefits

Section 395 (1) A person who, for the purpose of obtaining or keeping social security benefits or a benefit, in cash or in kind, that may be provided to a natural person by law from the subsectors of the general government, causes another person to err or maintains his error or withholds any true fact and causes damage by doing so is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The punishment of a person may be reduced without limitation if he pays for the damage caused by the abuse of social security, social or other welfare benefits before indictment.

Budget fraud

Section 396 (1) A person who

a) causes another person to err or maintains his error, makes a false statement or withholds any true fact regarding a payment obligation toward a budget or any funds originating from a budget,

b) makes illegal use of an advantage concerning a payment obligation toward a budget, or

c) uses any funds originating from a budget for a purpose other than its approved purpose

and causes pecuniary loss to one or more budgets by doing so is guilty of a felony and shall be punished by imprisonment for up to three years.

(2)

(3) The punishment shall be imprisonment for one to five years if

a) budget fraud causes significant pecuniary loss, or

b) budget fraud as defined in paragraph (1) is committed in a criminal conspiracy or regularly for generating income.

(4) The punishment shall be imprisonment for two to eight years if

a) budget fraud causes particularly large pecuniary loss, or

b) budget fraud is committed in a criminal conspiracy or regularly for generating income and causes significant pecuniary loss.

(5) The punishment shall be imprisonment for five to ten years if

a) budget fraud causes particularly significant pecuniary loss, or

b) budget fraud is committed in a criminal conspiracy or regularly for generating income and causes particularly large pecuniary loss.

(6) A person who produces, acquires, keeps, places on the market, or trades in any excise goods without an authority permit or meeting a condition laid down in the Act on excise tax or another law adopted based on an authorisation of that Act and, by doing so, causes pecuniary loss to a budget shall be punished under paragraphs (1) to (5).

(7) A person who fails to perform or fails to perform in full his settlement, reporting or information provision obligations relating to any funds originating from a budget, makes any untrue statement or uses any untrue, counterfeit or counterfeited document is guilty of a felony and shall be punished by imprisonment for up to three years.

(8) The punishment of a person may be reduced without limitation if he pays for the pecuniary loss caused by the budget fraud specified in paragraphs (1) to (6) before indictment. This provision shall not apply if the criminal offence is committed in a criminal conspiracy or criminal organisation, or by a special recidivist.

(9) For the purposes of this section:

a) budget means the budget of the subsectors of the general government, including the budget of social security funds and extra-budgetary funds, budgets managed by or on behalf of an international organisation, and budgets and funds managed by or on behalf of the European Union. With regard to criminal offences concerning funds originating from a budget, funds also mean, in addition to those mentioned above, budgets and funds managed by or on behalf of a foreign state;

b) pecuniary loss means any loss of revenue caused by the failure to perform a payment obligation toward a budget, as well as any funds received from a budget illegally or used for a purpose other than the approved purpose;

c) for the purposes of special recidivism, the criminal offences damaging the budget shall be considered similar.

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Failure to comply with the supervisory or control obligation related to budget fraud

Section 397 An executive of an economic operator or a member or worker with the power to control or supervise is guilty of a felony and shall be punished by imprisonment for up to three years if he fails to comply with his supervisory or monitoring obligation and, by doing so, enables a member or worker of the economic operator to commit budget fraud while pursuing the activities of the economic operator.

Facilitating excise fraud

Section 398 (1) A person who

a) produces, acquires, keeps, or places on the market, without a licence or in violation of the law, any equipment, appliance, tool or base material, which is suitable for producing excise goods and is specified in the Act on excise tax or another law adopted based on an authorisation of that Act, or

b) produces, acquires or keeps without a licence or in violation of the law, any strip stamp required for placing on the market

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence is committed

a) regularly for generating income,

b) for a significant quantity of base material or strip stamps,

c) for tax stamps, the value of which is significant or greater.

(3) For the purposes of paragraph (2) b),

a) a base material is of significant quantity if

aa) the volume of mineral oil products without tax rate, that can be used as petrol, gas oil, additive to petrol or gas oil or diluent exceeds 20 000 litres,

ab) the weight of liquid hydrocarbon without tax rate exceeds 45 000 kilograms,

ac) the volume of gaseous hydrocarbon without a tax rate exceeds 100 000 nm^3,

ad) the volume of sugar wash exceeds 10 000 litres,

ae) the volume of wash made of a product of agricultural origin containing sugar or starch exceeds 25 000 litres,

af) the weight of dried tobacco, fermented tobacco or cut tobacco exceeds 5 kilograms,

b) strip stamps are of significant quantity if their number exceeds 5000.

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CHAPTER XL

MONEY LAUNDERING

Money laundering

Section 399 (1) A person who conceals or disguises the origin or location of, or a right on, property originating from a punishable act, or any changes to such origin, location or right is guilty of money laundering.

(2) A person who receives from another person, hides, transforms, transfers, participates in alienating, uses, or performs a financial activity or utilises a financial service regarding, or disposes of, property originating from a punishable act for the purpose of concealing or disguising its origin, location or a right on it, or any changes to such origin, location or right also commits money laundering.

(3) A person who

a) participates in preventing forfeiture of assets or asset recovery against another person, or

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b) seeks to prevent forfeiture of assets or asset recovery against another person

by receiving from another person, hiding, transforming, transferring, participating in alienating, using, or performing a financial activity or utilising a financial service regarding, or disposing of, property originating from a punishable act also commits money laundering.

(4) A person who

a) acquires, or acquires a right of disposal over, or

b) safeguards, hides, manages, uses, utilises, transforms, transfers or participates in alienating

property originating from a punishable act committed by another person also commits money laundering.

(5) The punishment shall be imprisonment for up to five years for committing a felony if money laundering is committed for a value not exceeding a significant value.

(6) The punishment shall be imprisonment for two to eight years if money laundering is committed

a) for a particularly large value,

b) for a significant value,

ba) regularly for generating income,

bb) as a service provider within the meaning of the Act on the prevention and combating of money laundering and terrorism financing, or as an officer or employee of such service provider in relation to the activities of the service provider, or

bc) as a public officer.

(8) A person who commits preparation for money laundering is guilty of a misdemeanour, and shall be punished by imprisonment for up to one year.

(9) An instigator or abettor shall not be liable to punishment if he commits the criminal offence specified in paragraph (3) or (4) for property originating from a punishable act committed by him.

Section 400 (1) A person who hides, transforms, transfers, participates in alienating, uses, or performs a financial activity or utilises a financial service regarding, or disposes of, property originating from a punishable act committed by another person without being aware of the origin of that thing by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The punishment shall be imprisonment for up to three years for committing a misdemeanour if the criminal offence specified in paragraph (1) is committed

a) for a particularly large value or in excess of it,

b) as a service provider within the meaning of the Act on the prevention and combating of money laundering and terrorism financing or as an officer or employee of such a service provider in relation to the activities of the service provider, or

c) as a public officer.

(3) A person shall not be liable to punishment for money laundering as specified in paragraphs (1) to (2) if he reports the criminal offence to the authorities voluntarily and reveals the circumstances of its commission, provided that the criminal offence has not yet been discovered or has been discovered in part only.

Failure to comply with the notification obligation regarding money laundering

Section 401 A person who fails to comply with his statutory notification obligation regarding the prevention of money laundering and terrorism financing is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

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Interpretative provision

Section 402 (1)

(2) For the purposes of sections 399 to 400, financial activity and the utilisation of a financial service means the provision or use of financial services or supplementary financial services, investment services or supplementary services for investment services, commodity exchange services, investment fund management services, venture capital fund management services, exchange services, central securities depository or central counterparty services, insurance, reinsurance or independent insurance brokerage services, voluntary mutual insurance fund services or private pension or occupational retirement provision services.

CHAPTER XLI

CRIMINAL OFFENCES AGAINST THE ORDER OF BUSINESS MANAGEMENT

Violation of the order of accounting

Section 403 (1) A person who violates the rules on accounting documents as laid down in the Act on accounting or the laws adopted based on an authorisation of that Act or fails to perform his obligation to keep books or prepare accounts, and, as a result,

a) causes an inaccuracy, which has a substantial impact on the reliable and true impression, or

b) frustrates the review or audit of his financial situation concerning the relevant financial year

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A private entrepreneur or another economic operator not falling within the scope of the Act on accounting shall be punished under paragraph (1) if he fails to perform his statutory recordkeeping and documentation obligation and, as a result, frustrates the review or audit of his financial situation.

(3) In the case specified in paragraph (1), the punishment shall be imprisonment for two to eight years if the criminal offence is committed regarding a financial institution, investment undertaking, commodity exchange service provider, investment fund manager, venture capital fund manager, an organisation pursuing the activities of an exchange, a central securities depository or central counterparty, insurance company, reinsurance company, independent insurance broker, voluntary mutual insurance fund, private pension fund, institution for occupational retirement provision or a regulated real estate investment company.

(4) For the purposes of this section, an inaccuracy shall be deemed to have a substantial impact on the reliable and true impression if the total sum of all inaccuracies and impacts of inaccuracies (increasing or reducing the profit or equity) discovered concerning the relevant financial year, regardless of its sign, exceeds both twenty per cent of the balance sheet total and twenty per cent of the net turnover stated in the financial account for the financial year when the inaccuracy was created. An inaccuracy shall in all cases be deemed to have a substantial impact on the reliable and true impression if the total sum of all inaccuracies and impacts of inaccuracies (increasing or reducing the profit or equity) discovered concerning the relevant financial year, regardless of its sign, exceeds five hundred million forints.

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Bankruptcy fraud

Section 404 (1) A person who, when an economic operator falling within the scope of the Act on bankruptcy procedure and liquidation procedure is threatened by insolvency, actually or apparently reduces the assets of the economic operator and, by doing so, frustrates the satisfaction, in whole or in part, of one or more creditors by

a) hiding, concealing, damaging, destroying or rendering the assets or any part thereof unserviceable,

b) entering into any artificial transaction or acknowledging a questionable claim or

c) using any other means violating the requirements of sound financial management

is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person shall be punished under paragraph (1) if he

a) renders an economic operator falling within the scope of the Act on bankruptcy procedure and liquidation procedure actually or apparently insolvent by any of the means specified in paragraph (1) and, by doing so or,

b) in the event of actual insolvency of an economic operator falling within the scope of the Act on bankruptcy procedure and liquidation procedure, by any of the means specified in paragraph (1),

frustrates the satisfaction, in whole or in part, of one or more creditors.

(3) The punishment shall be imprisonment for two to eight years if

a) bankruptcy fraud is committed concerning an economic operator of distinguished strategic importance subject to a bankruptcy procedure or a liquidation procedure; or

b) the amount of the actual or apparent reduction of the assets is particularly significant.

(4) A person who, after liquidation is ordered, favours any of his creditors in violation of the order of satisfaction specified in the Act on bankruptcy procedure and liquidation procedure is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(5) The criminal offence specified in paragraphs (1) to (3) shall be punishable if

a) a bankruptcy procedure was launched,

b) liquidation, compulsory strike-off or compulsory winding-up was ordered, or

c) a liquidation procedure was not launched in violation of a mandatory statutory provision.

(6) Bankruptcy fraud can be committed, as an offender, by a person who is authorised or is in a position to dispose of the assets, in whole or in part, of the debtor economic operator, even if the transaction conferring such power of disposal is invalid.

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Failure to report a criminal offence in a liquidation procedure

Section 404/A A liquidator who, in the course of a liquidation procedure, obtains credible knowledge of the commission of violation of the order of accounting (section 403) or bankruptcy fraud (section 404) but fails to report it to the authorities as soon as he can is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

Secreting assets covering a debt

Section 405 (1) A person who secretes an asset, in whole or in part, that serves as coverage for a claim arising from a written contract and, by doing so, frustrates the payment of the debt, in whole or in part, is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) A person who commits the act specified in paragraph (1) concerning assets serving as coverage for a debt arising from economic activities is guilty of a felony and shall be punished by imprisonment for up to three years.

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(3) The punishment shall be imprisonment for one to five years if the criminal offence specified in paragraph (2) is committed for a particularly large value or in excess of it.

(4) The perpetrator may not be punished for secreting assets covering a debt if he pays the debt before indictment.

Unauthorised international trade activity

Section 406 A person who imports to or exports from the territory of the country any goods without a licence required for import or export is guilty of a felony and shall be punished by imprisonment for up to three years.

Impairing equity

Section 407 An executive or member of a company limited by shares, a limited liability company, a cooperative, a European Company or a European Cooperative Society that secretes the company's equity, in whole or in part, is guilty of a felony and shall be punished by imprisonment for up to three years.

Unauthorised financial activity

Section 408 (1) A person who, without a licence required by law or a directly applicable legal act of the European Union, provides

a) financial services or supplementary financial services;

b) investment services or supplementary services for investment services, commodity exchange services, investment fund management services, venture capital fund management services, exchange services, central securities depository or central counterparty services;

c) insurance, reinsurance services;

d) voluntary mutual insurance fund services or private pension or occupational retirement provision services;

e) crowdfunding services

is guilty of a felony and shall be punished by imprisonment for up to three years.

(1a) A person who engages in an activity providing pan-European personal pension product services or placing a pan-European personal pension product on the market without being registered in the central register maintained by the European Insurance and Occupational Pensions Authority shall be punished under paragraph (1).

(2) A person who concerning an activity specified in paragraph (1) a) to c),

a) engages in any brokerage activity without a licence required by law,

b) engages in any brokerage or electronic money selling activity without registration or notification, if he failed to verify its completion,

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

Failure to comply with the obligation to provide economic data

Section 409 (1) An executive person of an economic operator who participates in

a) having the economic operator unavailable at its seat, establishment or branch,

b) having a person registered in a publicly certified register as an authorised representative of the economic operator whose place of domicile or place of residence is or is considered unknown, or

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c) having a person or economic operator registered in a publicly certified register as the owner of the economic operator, whose place of domicile or place of residence is or is considered unknown or which is not available at its seat, establishment or branch, or who or which is not the beneficial owner

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who fails to give notice of any data, right or fact to be entered into a publicly certified register concerning an economic activity, or of any change to any such data, right or fact, is guilty of a misdemeanour and shall be punished by imprisonment for up to two years if the notification obligation is provided for under a law.

(3) For the purposes of this section, a beneficial owner is a person or economic operator who or which holds, directly or indirectly, at least ten per cent of the votes, a ten per cent ownership proportion or any significant influence, as defined in the Civil Code, over the economic operator.

Insider trading

Section 410 (1) A person who,

a) using inside information and for his own account or for the account of another person, enters into a transaction, places, withdraws or modifies an order for a transaction or records, withdraws or modifies a bid concerning a financial instrument to which the inside information relates,

b) relying on inside information in his possession, invites or induces one or more other persons to enter into a transaction, place, withdraw or modify an order for a transaction, or record, withdraw or modify a bid concerning a financial instrument to which the inside information relates

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for up to five years if

a) the criminal offence is committed by a public officer;

b) the criminal offence is committed by an officer or employee of a financial institution, investment undertaking, commodity exchange service provider, investment fund manager, venture capital fund manager, an organisation pursuing the activities of an exchange, a central securities depository or central counterparty, insurance company, reinsurance company, independent insurance broker, voluntary mutual insurance fund, private pension fund, institution for occupational retirement provision or a regulated real estate investment company;

c) the criminal offence is committed by an officer or employee of an issuer of publicly traded securities with access, due to his responsibilities, to inside information;

d) the extent of the absolute value of any one or more transactions, orders or bids affected by the criminal offence is particularly large or greater.

Unauthorised disclosure of inside information

Section 410/A A person who, to gain undue advantage or cause undue disadvantage, discloses inside information to one or more unauthorised persons is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

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Illegal market manipulation

Section 411 (1) A person who

a) enters into a transaction, places, withdraws or modifies an order for a transaction, records, withdraws or modifies a bid during own account trading, or engages in any other conduct, that gives false or misleading signals concerning, or secures at an artificial or abnormal level, the demand for or supply, exchange rate or price of a financial instrument or a related spot commodity contract,

b) seeks to influence the exchange rate or price of a financial instrument or a related spot commodity contract by entering into any artificial transaction concerning that financial instrument or engaging in other misleading conduct,

c) seeks to influence the calculation of a benchmark by revealing or transmitting any false or misleading information or by using any other misleading method

is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person shall be punished under paragraph (1) if he, for gain, reveals or disseminates in front of a large audience any information that gives false or misleading signals concerning, or secures at an artificial or abnormal level, the demand for or supply, exchange rate or price of a financial instrument or a related spot commodity contract.

(3) A person shall be punished under paragraph (1) if he induces others to make, increase, sell or reduce any capital investment by revealing or disseminating false data or withholding data concerning the financial standing of an economic operator, an executive person of an economic operator in relation to the activities of this person as an executive person, or concerning a financial instrument pertaining to an economic operator.

(4) A person who commits the criminal offence specified in paragraphs (1) to (3)

a) in a criminal conspiracy;

b) as a public officer;

c) as an officer or employee of a financial institution, investment undertaking, commodity exchange service provider, investment fund manager, venture capital fund manager, an organisation pursuing the activities of an exchange, a central securities depository or central counterparty, insurance company, reinsurance company, independent insurance broker, voluntary mutual insurance fund, private pension fund, institution for occupational retirement provision or a regulated real estate investment company; or

d) as an officer or employee of an issuer of publicly traded securities

shall be punished by imprisonment for up to five years.

(5) Paragraphs (1) to (4) shall apply to the transactions and instruments specified in Article 2 (2) (a) and (b) of Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC (hereinafter "Regulation (EU) No 596/2014") if the transaction, order, bid or behaviour has any impact on the price, exchange rate, or value of the financial instrument or spot commodity contract.

Organising a pyramid scheme

Section 412 A person who organises a game based on the collection and distribution of money from other persons in a predetermined manner and also involving a risk factor, where participants are connected to each other in a chain-like manner and make payments or provide other services, directly or through the organiser, to the person preceding them in the chain is guilty of a felony and shall be punished by imprisonment for up to three years.

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Violation of economic secrets

Section 413 (1) A person who is obliged to keep bank secrets, securities secrets, fund secrets, insurance secrets, or occupational retirement secrets and makes accessible any data, qualifying as bank secret, securities secret, fund secret, insurance secret or occupational retirement secret to an unauthorised person to gain illicit advantage or by causing any pecuniary loss to another person is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person does not commit violation of economic secrets if he

a) performs his obligation laid down in the Act concerning the accessibility of public interest data and data accessible on public interest grounds, or

b) performs or initiates a statutory notification obligation relating to the prevention of money laundering and terrorism financing, insider trading, market manipulation, and the fight against terrorism, even if the notification given in good faith is groundless.

Interpretative provisions

Section 414 (1) For the purposes of sections 410 to 411, financial instrument means a financial instrument specified in the Act on investment undertakings and commodity exchange service providers, and on the regulations governing their activities, provided that it corresponds to the provisions laid down in Article 2 (1) of Regulation (EU) No 596/2014, not including

a) the cases specified in Article 5 (1) to (3) of Regulation (EU) No 596/2014,

b) the cases specified in Article 5 (4) and (5) of Regulation (EU) No 596/2014,

c) the cases specified in Article 6 (1) to (4) of Regulation (EU) No 596/2014.

(2) For the purposes of sections 409 and 411, executive person means

a) an executive officer or a member of the supervisory board of an economic operator,

b) a person designated as leader of a Hungarian branch of an undertaking which has its seat abroad or of a Hungarian establishment of a European Economic Interest Grouping, which has its seat abroad,

c) a person identified as such by the articles of association, deed of foundation or memorandum of association of an economic operator.

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CHAPTER XLII

CRIMINAL OFFENCES AGAINST CONSUMERS' INTERESTS AND FAIR COMPETITION

Placing poor-quality products on the market

Section 415 (1) A person who places a poor-quality product on the market as a good-quality product is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence is committed

a) for poor-quality products of a significant quantity or value,

b) in a criminal conspiracy, or

c) regularly for generating income.

(3) A person who commits preparation for placing poor-quality products on the market is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

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(4) A person who commits the criminal offence by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(5) The perpetrator of the criminal offence specified in paragraph (4) shall not be liable to punishment if he takes all measures to retake possession of the poor-quality product as soon as he becomes aware of the poor-quality nature of the product.

(6) For the purposes of this section, a product is of poor quality

a) if it fails to meet a safety or quality requirement specified by law or in a directly applicable legal act of the European Union with general application, or

b) in the absence of a requirement specified in point a), if

ba) the fact that a product produced for human consumption is unfit for human consumption was masked,

bb) the minimum durability date, "use by" date, and time limit for consumption of the product was illegally extended,

bc) the product was produced utilising an unauthorised ingredient,

bd) the product was produced for human consumption from substances or products unfit for human consumption, or

be) the product may not be used as intended, or its usability is significantly reduced.

False certification of conformity

Section 416 (1) A person who certifies false information regarding the conformity of any product of significant quantity or value in a certificate of conformity, declaration of conformity or a conformity marking to be issued under an obligation to certify conformity by law or a directly applicable legal act of the European Union is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence is committed

a) in a criminal conspiracy or

b) regularly for generating income.

(3) A person who commits the criminal offence by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

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Deceiving consumers

Section 417 (1) A person who provides potentially misleading information during an organised product presentation regarding the existence of any special discount, price advantage or chance of winning is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) A person who, to sell goods, states an untrue fact or a true fact in a potentially misleading manner or provides potentially misleading information in front of a large audience regarding a material feature of goods of a significant quantity or value is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(3) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence specified in paragraph (2) is committed regarding a feature pertaining to the health or environmental impact, hazardousness, risk or safety of the goods.

(4) For the purposes of this section:

a) a material feature of goods means

aa) the composition, technical features, and fitness for a given purpose of the goods,

ab) the origin, place of origin and production method of the goods,

ac) the testing and control of the goods or the results thereof,

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b) an organised product presentation means a trip organised to place the goods on the market, or any retail activity pursued during an event.

Violation of trade secrets

Section 418 A person who, to gain any undue advantage or cause pecuniary loss to another person, acquires, uses, renders accessible to another person or publicly discloses any trade secret without authorisation is guilty of a felony and shall be punished by imprisonment for up to three years.

Imitation of competitors

Section 419 (1) A person who, without the consent of his competitor, produces any goods with a distinctive appearance, packaging, marking or name based on which the competitor or its distinctive goods are recognised or acquires or keeps such goods for the purpose of placing on the market or places such goods on the market is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless another criminal offence is established.

(2) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence is committed for imitated goods of a significant quantity or value.

Agreement restricting competition in a public procurement and concession procedure

Section 420 (1) A person who restricts competition by entering into an agreement on fixing prices, fees or other contract terms, or dividing the market or engaging in any other concerted practice to influence the result of a public procurement procedure or an open or restricted tender published concerning an activity subject to a concession is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person shall be punished under paragraph (1) if he participates in the making of a decision restricting competition by an association of undertakings, a public body, a grouping or a similar organisation to influence the result of a public procurement procedure or an open or restricted tender published concerning an activity subject to a concession.

(3) The punishment shall be imprisonment for up to two years for committing a misdemeanour if the criminal offence specified in paragraph (1) or (2) is committed for a public procurement value not exceeding a significant value.

(4) The perpetrator of a criminal offence specified in paragraphs (1) to (3) shall not be liable to punishment if he notifies the authorities proceeding in criminal matters of the act and reveals the circumstances of its commission before the authorities become aware of them.

(5) The perpetrator of a criminal offence specified in paragraphs (1) to (3) shall not be liable to punishment if, at the time of commission, he was an executive officer, member, supervisory board member or employee of an undertaking, or an agent of any such person, who filed an application serving as ground for the non-application of a fine under the Act on the prohibition of restrictive market practices concerning the act, and revealed the circumstances of commission, before the authority proceeding in competition supervisory matters launched an investigation regarding the matter.

(6) The punishment may be reduced without limitation or, in cases deserving special consideration, dispensed with regarding a person who, at the time of commission, was an executive officer, member, supervisory board member or employee of an undertaking, or an agent of any such person, that filed an application with the authority proceeding in competition supervisory matters serving as ground for the non-application or reduction of a fine under the Act on the prohibition of restrictive market practices concerning the act, and revealed the circumstances of its commission.

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Interpretative provisions

Section 421 For the purposes of this Chapter

a) product means any marketable movable thing that can be taken into possession and any kind of natural forces which can be utilised as things,

b) goods means a product, a real estate, a service, and a right of pecuniary value.

CHAPTER XLIII

ILLEGAL DATA ACQUISITION AND CRIMINAL OFFENCES AGAINST INFORMATION SYSTEMS

Illegal data acquisition

Section 422 (1) A person who, for the purpose of gaining knowledge of any personal data, personal secret, economic secret or trade secret without authorisation,

a) searches in secret the home of another person or any other related premises or a fenced area of them,

b) surveils or records the events taking place in the home of another person or any other related premises or a fenced area of them by using technical means in secret,

c) opens or acquires in secret and records the content of a postal item or other closed consignment of another person by using technical means,

d) intercepts in secret, and records, by using technical means, any communication conducted through an electronic communications network or device or an information system,

e) intercepts in secret, and records, by using technical means, any data processed in an information system

is guilty of a felony and shall be punished by imprisonment for up to three years.

(1a) A person shall be punished under paragraph (1) if he, for the purpose of gaining knowledge of any personal data, personal secret, economic secret or trade secret without authorisation,

a) searches in secret any premises, area, vehicle or a thing used by another person, other than a public area, premises open to the public or means of public transport,

b) surveils or records the events taking place in any premises, area or vehicle other than a public area, premises open to the public or means of public transport by using technical means in secret.

(2) A person who, beyond paragraph (1), collects any information for the purpose of determining the identity or activities of an undercover investigator or a person cooperating in secret with an organ authorised to engage in secret information gathering or to use covert means shall be punished under paragraph (1).

(3) A person who transmits or uses any personal data, personal secret, economic secret or trade secret of which he gained knowledge in a manner specified in paragraphs (1) to (2) shall be punished under paragraph (1).

(4) The punishment shall be imprisonment for one to five years if illegal acquisition of data, as specified in paragraphs (1) to (3), is committed

a) by pretending to carry out an official procedure,

b) regularly for generating income,

c) in a criminal conspiracy, or

d) by causing significant harm to interests.

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Section 422/A (1) A person who surveils the home or any other premises of another person or a fenced area of them, and records the events taking place there, using, without authorisation, an unmanned aircraft is guilty of a misdemeanour and shall be punished by confinement, unless another criminal offence is established.

(2) A person who makes accessible to a large audience a sound or image recording recorded in the course of surveillance under paragraph (1) shall be punished by imprisonment for up to one year, unless another criminal offence is established.

(3) The criminal offences specified in paragraphs (1) to (2) shall only be punishable upon private motion.

Violation of information systems or related data breach

Section 423 (1) A person who logs into an information system without authorisation by violating or circumventing a technical measure safeguarding that information system or stays logged in exceeding or violating the limits of his authorisation to log in is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) A person who

a) hinders the functioning of an information system without authorisation or violating the limits of his authorisation, or

b) modifies, deletes or renders inaccessible any data stored in an information system without authorisation or violating the limits of his authorisation

is guilty of a felony and shall be punished by imprisonment for up to three years.

(3) The punishment shall be imprisonment for one to five years for committing a felony if the criminal offence specified in paragraph (2) affects a significant number of information systems or causes significant harm to interests.

(4) The punishment shall be imprisonment for two to eight years if the criminal offence is committed against a public interest facility.

(5) For the purposes of this section, data means the representation of facts, information, and terms stored, processed, technically processed or transferred in the information system in a manner that is suitable for being processed by the information system, including any program that implements a function of the information system.

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Circumvention of technical security measures protecting information systems

Section 424 (1) A person who, for the purpose of committing a criminal offence specified in sections 375, 422 (1) d) or 423,

a) makes, hands over, makes accessible, acquires or places on the market a password or computer program that is necessary for or facilitates the commission of a criminal offence

b) makes available to another person his economic, technical or organisational knowledge regarding the making of a password or computer program that is necessary for or facilitates the commission of a criminal offence

is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) The perpetrator of the criminal offence specified in paragraph (1) a) shall not be liable to punishment if he informs the authorities of his actions, hands over to the authorities any item made, and enables the identification of other persons involved in the procedure of making it before the authority proceeding in criminal matters becomes aware of the making of the password or computer program that is necessary for or facilitates the commission of a criminal offence.

(3) For the purposes of this section, password means an identifier, consisting of digits, letters, signs, biometric data or a combination thereof, enabling access to an information system or any part of an information system.

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CHAPTER XLIV

CRIMINAL OFFENCES AGAINST MILITARY OBLIGATION

Violation of an obligation to enlist

Section 425 (1) A person obliged to perform military service who fails to perform his obligation to enlist is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) A person who commits the criminal offence by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to three years.

Evading military service

Section 426 (1) A person obliged to perform military service who, for the purpose of avoiding service in the military,

a) fails to perform his obligation to appear or enlist, or

b) mutilates his body, damages his health or behaves in a deceiving manner

is guilty of a felony and shall be punished by imprisonment for five to ten years.

Refusing military service

Section 427 A person obliged to perform military service who refuses to serve in the military is guilty of a felony and shall be punished by imprisonment for five to fifteen years.

Obstructing the performance of military service obligation

Section 428 (1) A person who commits an act aimed at preventing a person obliged to perform military service from performing his obligation to enlist is guilty of a felony and shall be punished under section 425.

(2) A person who commits an act aimed at having a person obliged to perform military service avoid military service

a) as defined in section 426 a); or

b) as defined in section 426 b)

shall be punished under that section.

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Violation of civil defence obligation

Section 429 (1) A person who fails to comply with his civil defence obligation is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence results in a serious danger.

(3) A person who commits the criminal offence specified in paragraph (2) by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

Violation of the obligation to perform work for national defence purposes

Section 430 A person obliged to perform work for national defence purposes who seriously violates his obligations by being absent or in any other manner is guilty of a felony and shall be punished by imprisonment for up to three years.

Violation of the obligation to provide services

Section 431 A person who seriously violates or eludes a defence and security obligation to provide economic and material services is guilty of a felony and shall be punished by imprisonment for one to five years.

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Reduction of a punishment without limitation

Section 432 The punishment may be reduced without limitation if the perpetrator of a criminal offence specified in this Chapter performs his unperformed obligation voluntarily.

Interpretative provisions

Section 433 (1) The provisions of this Chapter shall be applied in a state of war.

(1a) Section 426 b) and section 428 (2) b) shall be applied also in the period following the initiation by the Government of the state of war.

(2) In addition to the provisions laid down in paragraph (1), the criminal offence of violation civil defence obligations may also be committed during a state of emergency or a state of danger, and the violation of the obligation to provide services may also be committed in a state of danger.

(3) The criminal offence of violation of an obligation to perform work for national defence purposes may be committed in a state of war only.

CHAPTER XLV

MILITARY CRIMINAL OFFENCES

Desertion

Section 434 (1) A person who, for the purpose of avoiding military service permanently, leaves or remains absent from his place of service arbitrarily is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if desertion is committed

a) with a weapon,

b) by a group,

c) while performing an important service or by using that service,

d) using violence against a person, or

e) to another country.

(3) A person who deserts to another country in a manner specified in paragraph (2) a) to c) or deserts in a time of war shall be punished by imprisonment for five to fifteen years.

(4) A person who commits preparation for desertion shall be punished by imprisonment for up to one year for committing a misdemeanour in the case specified in paragraph (2) or by imprisonment for one to five years for committing a felony in the case specified in paragraph (3).

(5) The punishment of a perpetrator of desertion may be reduced without limitation if he reports to the authorities voluntarily within thirty days. The time limit shall not include the day of desertion.

Arbitrary leave

Section 435 (1) A person who leaves or remains absent from his place of service arbitrarily and the period of his absence exceeds two days is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) The punishment shall be imprisonment for up to three years for committing a felony if the period of arbitrary absence exceeds nine days.

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(3) If the criminal offence of arbitrary leave is committed in a time of war or during humanitarian activities conducted in a foreign operational area, or peacekeeping, the punishment shall be imprisonment

a) for one to five years for committing a felony in the case specified in paragraph (1),

b) for two to eight years in the case specified in paragraph (2).

Evading service

Section 436 (1) A person who, for the purpose of avoiding military service permanently, mutilates his body, damages his health or behaves in a deceiving manner is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) A person who commits the criminal offence specified in paragraph (1) to avoid military service temporarily is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(3) The punishment shall be imprisonment for up to two years if the period of temporary avoidance exceeds six days.

(4) If the criminal offence is committed during in a time of war, the punishment shall be imprisonment for

a) five to fifteen years in the case specified in paragraph (1),

b) one to five years for committing a felony in the case specified in paragraph (2),

c) two to eight years in the case specified in paragraph (3).

Refusing service

Section 437 (1) A person who refuses to perform military service explicitly is guilty of a felony and shall be punished by imprisonment for up to three years.

(1a) The punishment shall be imprisonment for one to five years if the criminal offence of refusing service is committed during a period of national defence crisis.

(2) The punishment shall be imprisonment for five to fifteen years if the criminal offence of refusing service is committed in a time of war.

Breach of duty during service

Section 438 (1) A person who, while being on guard or on-call duty or other standby service and in violation of the service measure related to the given service, falls asleep, consumes any alcoholic beverage, drug or narcotic substance or agent not classified as a drug, leaves his post or violates any other provision concerning the performance of his service in any other serious manner is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) If the criminal offence results in a danger of any significant disadvantage for the service, the punishment shall be imprisonment for

a) up to three years in the case specified in paragraph (1);

b) one to five years in a time of war

for committing a felony.

(3) The punishment shall be imprisonment for five to fifteen years for committing a felony if the criminal offence is committed in a combat situation or during humanitarian activities conducted in a foreign operational area or peacekeeping, and it results in any particularly large disadvantage.

(4) A person who commits the criminal offence by negligence is guilty of a misdemeanour and, in the case specified in paragraph (2), shall be punished by confinement or imprisonment for up to one year according to the distinctions made there or, in the case specified in paragraph (3), shall be punished by imprisonment for up to three years.

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Evading a service duty

Section 439 (1) A person who avoids an important service duty by deception or absence or renders himself unable to perform such a duty, is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) If the criminal offence specified in paragraph (1) results in a danger of any significant disadvantage for the service or is committed during humanitarian activities conducted in a foreign operational area or peacekeeping, the punishment shall be imprisonment for up to three years for committing a felony.

(3) If the criminal offence specified in paragraph (2) is committed in a time of war, the punishment shall be imprisonment for one to five years.

Violation of reporting obligation

Section 440 (1) A person who fails to report or gives an untrue report on an important service matter in due time is guilty of a misdemeanour and shall be punished by imprisonment for up to two years if the criminal offence results in a danger of any significant disadvantage for the service.

(2) If the criminal offence specified in paragraph (1) is committed in a time of war or during humanitarian activities conducted in a foreign operational area or peacekeeping, the punishment shall be imprisonment for one to five years for committing a felony.

Abuse of service authority

Section 441 (1) A person who, to cause undue disadvantage or gain undue advantage, abuses his service authority or position is guilty of a felony and shall be punished by imprisonment for up to three years, unless a criminal offence of greater gravity is established.

(2) The punishment shall be imprisonment for one to five years for committing a felony if the criminal offence results in any significant disadvantage.

Mutiny

Section 442 (1) A person who participates in a group openly resisting service order and discipline and significantly interfering with the performance of service duties is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for two to eight years for a person who

a) initiates, organises or leads a mutiny,

b) participates in a mutiny if he uses violence against a military superior or a person taking action to overcome the mutiny.

(3) The punishment shall be imprisonment for five to fifteen years if the mutiny results in particularly serious consequences.

(4) The punishment shall be imprisonment for five to twenty years or life if the mutiny causes death.

(5) The punishment shall be imprisonment for

a) two to eight years in the case specified in paragraph (1);

b) five to fifteen years in the case specified in paragraph (2)

if the mutiny is committed in a time of war.

(6) If mutiny as specified in paragraphs (1) to (2) is committed in a combat situation, the punishment shall be imprisonment for five to fifteen years.

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(7) A person who commits preparation for mutiny shall be punished by imprisonment for up to three years for committing a felony; the punishment shall be imprisonment for one to five years in a time of war or during a combat situation.

(8) In the case specified in paragraph (1), the punishment of a person may be reduced without limitation if he ceases to participate in the mutiny voluntarily or by order before it results in any serious consequence.

Failure to prevent mutiny

Section 443 (1) A person who fails to take all measures in his power to prevent or report without delay a mutiny or preparation for a mutiny, of which he is aware is guilty of a misdemeanour and shall be punished by imprisonment for up to two years.

(2) If the criminal offence specified in paragraph (1) is committed in a time of war or during a combat situation, the punishment shall be imprisonment for one to five years for committing a felony.

Disobeying an order

Section 444 (1) A person who fails to perform an order is guilty of a misdemeanour and shall be punished by confinement.

(2) The punishment shall be imprisonment for up to two years if the criminal offence of disobeying an order is committed by a group.

(3) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence of disobeying an order

a) is committed in the presence of other subordinates or otherwise in public, either by explicitly refusing to perform the order or in any other insulting manner,

b) results in a danger of any significant disadvantage for the service or discipline.

(4) The punishment shall be imprisonment for one to five years if the criminal offence specified in paragraph (3) is committed in a time of war.

(5) A person who fails to perform a combat order in a war or an order issued concerning the use of weapons during humanitarian activities conducted in a foreign operational area or peacekeeping shall be punished by imprisonment for five to fifteen years.

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Violence against a military superior or a serving officer

Section 445 (1) A person who uses or threatens violence against

a) his military superior,

b) a higher-ranking officer, a guard or another serving officer

in the course of or because of the performance of his duties or actively resists in any other manner, is guilty of a felony and shall be punished by imprisonment for up to three years.

(2) The punishment shall be imprisonment for one to five years if the criminal offence

a) is committed with a weapon, with an instrument capable of causing death or by a group,

b) also qualifies as disobeying an order,

c) results in grievous bodily harm or a danger of any significant disadvantage for the service or discipline.

(3) The punishment shall be imprisonment for two to eight years if the criminal offence causes any permanent disability, serious degradation of health or danger to life.

(4) The punishment shall be imprisonment for five to fifteen years if the criminal offence causes the death of the aggrieved party.

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(5) The punishment shall be imprisonment for ten to twenty years or life if the criminal offence

a) also qualifies as intentional homicide, or

b) is committed in a combat situation.

(6) The punishment shall be imprisonment for

a) one to five years in the case specified in paragraph (1),

b) two to eight years in the case specified in paragraph (2),

c) five to fifteen years in the case specified in paragraph (3),

if the criminal offence is committed in a time of war.

Violence against a person defending or required to defend a military superior or a serving officer

Section 446 A person shall be punishable under section 445 if he commits the criminal offence specified therein against a person defending or required to defend a military superior or a serving officer.

Violation of service reputation

Section 447 (1) A person who violates the reputation of a

a) military superior,

b) a higher-ranking officer, guard or other serving officer performing his service

in front of another person or in a grossly vulgar manner is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence is committed in front of multiple soldiers or otherwise in public.

Provoking dissatisfaction

Section 448 (1) A person who provokes dissatisfaction with a military superior, an order or the service order or discipline is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) The punishment shall be imprisonment for up to three years for committing a felony if provoking dissatisfaction causes any significant disadvantage for the service or discipline.

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Insulting a subordinate

Section 449 (1) A person who violates the human dignity of his subordinate in front of another person or in a grossly vulgar manner is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

(2) The punishment shall be imprisonment for up to three years for committing a felony if the criminal offence is committed

a) for a base reason,

b) causing grievous bodily or mental suffering,

c) in front of more than one soldier,

d) against more than one subordinate.

(3) The punishment shall be imprisonment for one to five years if the criminal offence causes grievous bodily harm or a serious disadvantage for the service.

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Abuse of power by a military superior

Section 450 A person who, abusing his powers as a military superior,

a) subjects his subordinate to disciplinary punishment,

b) restricts the exercise of the right of his subordinate to file a complaint,

c) reduces the pay of or imposes any financial burden on his subordinate,

d) make use of his subordinate for a personal purpose,

e) treats a subordinate in a more or less favourable manner than other subordinates

is guilty of a misdemeanour and shall be punished by imprisonment for up to one year.

Failure of a military superior to provide care

Section 451 (1) A person violates his duty as a military superior by failing to take action to provision his subordinates, protect his subordinates from an impending danger or rescue his subordinates is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless a criminal offence of greater gravity is established.

(2) If the criminal offence causes any significant disadvantage for the service or discipline, the punishment shall be imprisonment for

a) one to five years in the case specified in paragraph (1);

b) two to eight years in a time of war

for committing a felony.

(3) A person who commits the criminal offence specified in paragraph (2) by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to one year or up to three years according to the distinctions made there.

Failure of a military superior to take action

Section 452 (1) A person who, in violation of his duty as a military superior, fails to take action as necessary

a) to prevent a subordinate from breaching his duties or committing a criminal offence, or to establish the liability of a subordinate,

b) to overcome any disturbance that poses a danger to service order, discipline or public safety

is guilty of a misdemeanour and shall be punished by imprisonment for up to one year, unless a crime against humanity or a war crime is established.

(2) If the criminal offence causes any significant disadvantage for the service, discipline or public safety, the punishment shall be imprisonment for

a) one to five years in the case specified in paragraph (1);

b) two to eight years in a time of war

for committing a felony.

(3) A person who commits the criminal offence specified in paragraph (2) by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to one year or up to three years according to the distinctions made there.

Failure to carry out control

Section 453 (1) A person violates his duty as a military superior by failing to control his subordinates in the course of performing their duties is guilty of a misdemeanour and shall be punished by imprisonment for up to one year if this failure causes any significant disadvantage for the service or discipline.

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(2) If the criminal offence causes any particularly large disadvantage for the service or discipline, the punishment shall be imprisonment for

a) one to five years in the case specified in paragraph (1);

b) two to eight years in a time of war

for committing a felony.

(3) A person who commits the criminal offence specified in paragraph (2) by negligence is guilty of a misdemeanour and shall be punished by imprisonment for up to one year or up to three years according to the distinctions made there.

Endangering an increase in the state of readiness

Section 454 (1) A person who, in violation of his service duties, directly endangers an increase in the state of readiness of a unit by

a) failing to provide or protect the stocks of the necessary weaponry, combat equipment or other war materials,

b) destroying, rendering unserviceable or making otherwise unavailable for intended use any important weaponry, combat equipment or other war materials,

is guilty of a felony and shall be punished by imprisonment for up to three years or, in a time of war, two to eight years.

(2) If the criminal offence causes a particularly large disadvantage for the service, the punishment shall be imprisonment for one to five years or, in a time of war, five to fifteen years.

(3) A person who commits the criminal offence by negligence is guilty of a misdemeanour and shall be punished, in the case specified in paragraph (1), by imprisonment for up to one year or three years, according to the distinctions made there or, in the case specified in paragraph (2), by imprisonment for up to two years or one to five years, according to the distinctions made there.

Commander's breach of duty

Section 455 A person who, by breaching his duties as a commander in a combat situation,

a) surrenders his subordinate soldiers to the enemy or allows them to be captured,

b) destroys, in the absence of any coercive circumstances, or relinquishes in a usable state to the enemy any important battle station, military equipment, combat weapon or other war materials entrusted to his care,

c) fails to resist the enemy to the best of his ability

is guilty of a felony and shall be punished by imprisonment for five to fifteen years.

Evading combat obligation

Section 456 A person who evades his combat obligation

a) by arbitrarily leaving his place of service, hiding or fleeing,

b) by intentionally causing any unfitness for combat or by behaving in a deceiving manner,

c) by abandoning, damaging or failing to use his combat weapon

d) by voluntarily surrendering to the enemy, or

e) by violating his service duty in any other serious manner

is guilty of a felony and shall be punished by imprisonment for five to fifteen years.

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Undermining of military morale

Section 457 (1) A person who, in a time of war, provokes dissatisfaction or promotes defeatism among soldiers is guilty of a felony and shall be punished by imprisonment for one to five years.

(2) The punishment shall be imprisonment for five to fifteen years if the criminal offence

a) causes any dissatisfaction among or any other breach of duty by soldiers in a combat situation, or

b) results in any other significant disadvantage for the service.

Interpretative provisions

Section 458 For the purposes of this Chapter

a) military service means service to be performed by persons specified in section 127 (1),

b) combat situation means the actual pursuit of combat activities.

CLOSING PART

Interpretative provisions

Section 459 (1) For the purposes of this Act,

1. a criminal organisation means a group that consists of at least three persons, is established for a longer period of time, is organised hierarchically and operates in a conspiratorial manner to commit intentional criminal offences punishable by at least five years of imprisonment;

2. a criminal conspiracy is established if two or more persons commit or agree to commit criminal offences in an organised manner and they attempt to commit at least one criminal offence, but no criminal organisation is established;

3. a criminal offence is committed by a group if at least three persons are involved in its commission;

4. violent behaviour means also taking offensive physical action against another person, even if it is not capable of causing bodily harm;

5. a person commits a criminal offence with a weapon if he carries

a) a functioning gun,

b) explosives,

c) detonating equipment,

d) an appliance serving for using explosives or detonating equipment,

or if the criminal offence is committed by threatening with a replica of an item specified in points a) to d);

6. a person commits a criminal offence with an instrument capable of causing death if he carries a lethal instrument to overcome or prevent any resistance;

7. threat means the communicated intent to inflict a serious disadvantage, which is suitable for causing serious fear in the threatened person, unless otherwise provided;

8. economic operator means economic operators as defined by the Code of Civil Procedure, as well as organisations, the economic activity-related civil law relations of which are subject to the provisions of the Code of Civil Procedure;

9. an authority also means a court or the prosecution service;

10. war means

a) situations described in the common Articles 2 and 3 of the conventions for the protection of war victims signed in Geneva on 12 August 1949, as well as in Article 1 (4) of the Additional Protocol I to such conventions,

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b) situations described in Article 1 of the Additional Protocol II of the conventions specified in point a),

c) a state of war,

d) a state of emergency,

e) the deployment of the Hungarian Defence Forces abroad regarding war crimes and military criminal offences;

11. a public officer means

a) the President of the Republic,

b) a Member of the National Assembly, a national minority advocate, and a Member of the European Parliament elected in Hungary,

c) a judge of the Constitutional Court,

d) the Prime Minister, a Minister, a State Secretary, a Permanent State Secretary, a Deputy State Secretary and a capital or county government commissioner,

e) a judge, a prosecutor and an arbitrator,

f) the Commissioner for Fundamental Rights and his deputy,

g) a notary and a deputy notary,

h) an independent court bailiff, a deputy of an independent court bailiff, and a junior independent court bailiff entrusted with the power to serve documents,

i) a member of the representative body of a local government and that of a national minority self-government,

j) a commander of the Hungarian Defence Forces exercising employer's rights over the military personnel, and a commander of a vessel or an aircraft if he is entitled to apply the provisions on investigating authorities,

k) a person performing services, or tasks related to the exercise of public powers, at the Constitutional Court, the Sándor Palace, the Office of the National Assembly, the Office of the Commissioner for Fundamental Rights, the Hungarian National Bank, the State Audit Office, a court, the prosecution service, a central state administration organ, the Parliamentary Guard, the capital or a county government office, an administrative organ of a local government, or a statutory professional body, whose activities are required for the regular operation of the organ concerned,

l) a member of the election commission;

12. a person performing public duties means

a) a member of the Hungarian Defence Forces performing a service duty,

b) a person assigned to a civil defence organisation and performing civil defence services,

c) a civil guard when performing activities specified in the Act on the Civil Guard and the rules on performing civil guard activities,

d) a member of a church personnel and the member of a religious association who performs religious rites professionally,

e) in court or other authority proceedings, the defence counsel, legal representative, expert and bailiff for service of documents not qualifying as a public officer,

f) a healthcare worker, another person engaged in an employment-related relationship with a healthcare service provider and a patients' rights representative in the cases specified in the Act on healthcare,

g) a member of the national ambulance service or another organisation authorised to provide ambulance service, with regard to the provision of ambulance services and transporting patients,

h) a member of a local government fire service, an industrial fire brigade or a volunteer firefighters association, when performing firefighting and technical rescue tasks,

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i) a teacher or another employee directly assisting in teaching and educational work in the cases specified in the Act on national public upbringing, an instructor in the cases specified in the Act on vocational education and training, furthermore, a lecturer, teacher or academic researcher at an institute of higher education in the cases specified in the Act on national higher education,

j) a person employed in a position specified in the Act on the protection of children and guardianship administration or in the Act on social administration and social benefits when performing such activities,

k) a member of the professional forestry staff or licensed professional forestry staff, when performing activities specified in the Act on forests, the protection of forests and forest management,

l) a professional hunter when performing activities specified in the Act on the protection of wild game, wild game management and hunting,

m) a fish warden when performing activities specified in the Act on fisheries management and fish protection,

n) a person performing enforcement tasks at an economic operator operating means of public transport, when performing such activities,

o) a person performing customer service tasks at a universal postal service provider, when performing such activities,

p) a school guard when performing his activities set out in the Act on the Police,

q) an armed security guard when performing his duties,

r) a person operating parking facilities as designated and monitoring their designated use at an organisation performing, in accordance with the Act on road traffic, a parking public service for ensuring waiting with a road vehicle on national or local public roads, publicly accessible private roads owned by the state or a local government, or in squares, parks or other public spaces, when performing his activities,

s) a road inspector and a road administration officer when performing activities specified in the Act on road traffic,

t) a person employed in a critical position at a critical entity when performing activities for the critical entity;

u) an executive in charge of the resilience of a critical entity when performing activities specified in the Act on the resilience of critical entities;

v) a person employed in a critical position at a critical entity *(entity of vital importance)* when performing activities for the critical entity *(entity of vital importance);*

w) an executive in charge of resilience when performing activities specified in the Act on the coordination of defence and security activities.

13. a foreign public officer means

a) a person performing legislative, judicial, administrative or law enforcement tasks in a foreign country, and a person performing a task or service of public authority in a foreign country, including also a person performing such task or service in a statutory professional body or a state or government undertaking,

b) a person serving at an international organisation established by an international treaty promulgated in an Act, whose activities are required for the regular operation of the organisation concerned,

c) a person elected to the general assembly or body of an international organisation established by an international treaty promulgated in an Act, including Members of the European Parliament elected in another country,

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d) a member of an international court with jurisdiction in Hungary or over Hungarian nationals, and a person serving at such an international court whose activities are required for the regular operation of the court concerned;

14. a relative means

a) a lineal relative and a spouse or cohabitant of a lineal relative,

b) an adoptive parent or foster parent, including a step-parent living in the same household, or an adopted or foster child, including a step-child living in the same household,

c) a sibling and a spouse or cohabitant of a sibling,

d) a spouse or cohabitant,

e) a lineal relative or sibling of a spouse or cohabitant;

15. information system means a piece of equipment performing the automatic technical processing, processing, storage and transfer of data, or an assembly of such interconnected pieces of equipment;

16. damage means any diminution in the value of assets caused by a criminal offence unless otherwise provided in this Act;

17. pecuniary loss means any damage caused to assets and any loss of profit unless otherwise provided in this Act;

18. drug means a drug specified in lists 1 and 2 of drugs in Annex 1, and a substance specified in lists 1 and 2 of Annex 2, to BM Decree 78/2022;

19. a non-cash payment instrument means a non-cash payment instrument and a negotiable voucher as specified in the Act on credit institutions, a treasury card, a travel cheque, or a voucher or a bill of exchange issued according to an Act to pay for a limited range of goods and services that may be granted with the tax being payable by the paying entity or free of tax, provided that it is protected against copying, falsification and unauthorised use by its design, coding or a displayed signature;

20. an electronic non-cash payment instrument means a non-cash payment instrument as defined in the Act on credit institutions, as well as a treasury card and an electronic voucher issued under authorisation granted by the Act on personal income tax, provided that they are used through an information system;

21. a public interest facility means

a) a public utility,

b) a public transport operation,

c) an electronic communications network;

d) a logistic, payment or information centre or operation operated to carry out the public interest tasks of a universal postal service provider,

e) a plant manufacturing war materials or military equipment, and plants producing power or raw materials intended to be used in a plant;

f) critical infrastructure designated in accordance with the Act on the resilience of critical entities;

g) infrastructure important for the defence and security of the country designated in accordance with the Act on the coordination of defence and security activities.

22. a large audience also means that a criminal offence is committed through a press product, media service, reproduction or publication on an electronic communications network;

23. a weapon prohibited by an international treaty means

a) asphyxiating, poisonous and other similar gases, and bacteriological methods of warfare as specified in the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, signed in Geneva on 17 June 1925 and promulgated in Law-Decree 20 of 1955,

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b) bacteriological (biological) and toxin weapons as defined in Article 1 of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, adopted by the United Nations Organisation during its 26th session on 10 December 1971 and promulgated in Law-Decree 11 of 1975,

c) those specified in the following Protocols attached to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, signed in Geneva on 15 October 1980 and promulgated in Law-Decree 2 of 1984,

ca) weapons causing injuries in the human body by fragments which escape detection by X-rays as defined in Protocol I,

cb) mines, remotely-delivered mines, anti-personnel mines, booby-traps, and other devices as defined in Article 2 (1) to (5) of Amended Protocol II, as promulgated in Act CXXXIII of 1997,

cc) incendiary weapons as defined in Article 1 (1) of Protocol III,

cd) blinding laser weapons as defined in Article 1 of Protocol IV,

d) chemical weapons and riot control agents as defined in Articles 2 (1) and (7) of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, signed in Paris on 13 January 1993 and promulgated in Act CIV of 1997,

e) anti-personnel mines as defined in Article 2 (1) of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, signed in Oslo on 18 September 1997 and promulgated in Act X of 1998,

f) cluster munitions and explosive bomblets as defined in Articles 2 (2) and 2 (13), respectively, of the Convention on Cluster Munitions promulgated in Act XI of 2012;

24. assembly means an assembly falling within the scope of the Act on the right of assembly;

24a. public event means an event with the exception of an assembly, that is open to all members of the general public under the same terms and conditions;

25. prostitution means engaging in sexual acts for regular gain;

26. a violent criminal offence against a person means

a) genocide [section 142 (1)], crime against humanity [section 143 (1)], apartheid [section 144 (1) to (3)],

b) violence against a parlementaire (section 148), violence against protected persons [section 149 (1) to (2) and (4)], other war crimes (section 158),

c) homicide [section 160 (1) to (3) and (5)], homicide in the heat of passion (section 161), causing bodily harm [section 164 (3) to (6) and (8)],

d) kidnapping [section 190 (1) to (4)], trafficking in human beings and forced labour [section 192 (1) to (6)], violation of personal freedom (section 194), coercion (section 195),

e) sexual coercion (section 196), sexual violence [section 197 (1) to (4a)], domestic violence (section 212/A),

f) violation of the freedom of conscience and religion (section 215), violence against a member of a community [section 216 (2) to (3)], violation of the freedom of association and assembly [section 217 (1)],

g) changing the constitutional order by force [section 254 (1)], riot [section 256 (1) to (2)],

h) assault while acting as a public officer [section 301 (1) to (2)], assault while acting as a person performing public duties [section 302 (1) to (2)], coercive interrogation [section 303 (1) to (2)], unlawful detention (section 304),

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i) violence against a public officer [section 310 (1) to (3) and (5)], violence against a person performing public duties (section 311), violence against a person assisting a public officer or a person performing public duties (section 312), violence against an internationally protected person [section 313 (1)],

j) terrorist act [section 314 (1) to (2)], unlawful seizure of a vehicle [section 320 (1) to (2)],

k) robbery [section 365 (1) to (4)], extortion (section 367), self-administered justice [section 368 (1) to (2)],

l) qualified forms of mutiny [section 442 (2) to (6)], violence against a military superior or a serving officer [section 445];

27. sexual act means intercourse and any seriously indecent act, which is capable of, or directed at, arousing, maintaining, or satisfying sexual desires;

28. a criminal offence shall be regarded as committed regularly for generating income if the perpetrator seeks to make regular gain from committing criminal offences of the same or similar kind;

29. a person shall be deemed incapable of self-defence if he is unable to exert resistance temporarily or permanently due to his state or condition;

30. protected cultural goods shall also include cultural goods that are declared to be protected;

31. the perpetrator of an intentional criminal offence shall be considered a recidivist if he has already been sentenced to imprisonment to be served for committing an intentional criminal offence, and the period between his sentence being served, or its enforceability being terminated, and the commission of the new criminal offence is shorter than three years;

a) a recidivist shall be considered a special recidivist if he committed criminal offences of the same or similar kind both times;

b) a person shall be considered a multiple recidivist if he has already been sentenced to imprisonment to be served as a recidivist before committing the intentional criminal offence, and the period between his last sentence being served, or its enforceability being terminated, and the commission of the new criminal offence punishable by imprisonment is shorter than three years;

c) a multiple recidivist shall be considered a violent multiple recidivist if he committed a violent criminal offence against a person on all three occasions;

32. an internationally protected person means a foreign public officer who enjoys immunity based on international law under a relevant international treaty.

33. new psychoactive substance means a substance listed in Annex 3 to BM Decree 78/2022;

34. cultural property under foreign protection means

a) movable cultural property classified, defined or designated in accordance with Article 2 (2) a, and

b) immovable cultural property defined or designated in accordance with Article 2 (2) b

of the Council of Europe Convention on Offences relating to Cultural Property done at Nicosia on 19 May 2017 and promulgated in Act CXXV of 2021.

35. humanitarian activity means a support activity carried out with consent from the host country or authorisation from the competent international organisation, and with material contribution from the Defence Forces to eliminate, and mitigate the consequences of, a situation caused by an armed conflict or natural or civilizational disaster that poses a significant threat to, or significantly endangers, the life, health and material valuables of, and essential services for, persons and the natural environment;

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36. humanitarian operation conducted in a foreign operational area means the presence of the Defence Forces in an area threatened by an armed conflict between opposing forces to secure the life, physical integrity and health of civilian population and the essential goods for life support.

37. prohibited foreign support means any support from abroad the acceptance or use of which is prohibited by the Act on the operation and financial management of political parties and the Act on election procedure.

38. responsible person means a responsible person within the meaning of the Act on non-governmental organisations.

(2) For the purpose of this Act, a cohabitant shall also mean a registered partner.

(3) For the purpose of this Act, a member of the Hungarian Defence Forces, an area of operations, an allied armed force and peacekeeping shall have the same meaning as specified in the Act on national defence and the Hungarian Defence Forces.

(3a) For the purposes of this Act, rank means the actual rank of a member of the Hungarian Defence Forces or a member of the professional personnel of a civilian national security service, or the rank determined based on the service position grade and pay step of a member of the professional personnel of the Police, the Parliamentary Guard, the prison service or a professional disaster management organ.

(4) For the purpose of this Act, data classified as top secret, secret, confidential or restricted means classified national or foreign data as defined in the Act on the protection of classified data.

(5) For the purposes of this Act,

a) a third-country national means a person defined as such under the Act laying down the general rules on the entry and residence of third-country nationals,

b) permit issued for work purpose means

ba) a National Card,

bb) a Company Card issued pursuant to section 48 (2) b) or c) of Act XC of 2023 laying down the general rules on the entry and residence of third-country nationals,

bc) a residence permit for seasonal employment,

bd) a work-related residence permit issued for investment purpose,

be) a residence permit for employment,

bf) a residence permit for guest workers,

bg) a Hungarian Card,

bh) an EU Blue Card,

bi) a residence permit issued for the purpose of intra-corporate transfer (including a permit for long-term mobility),

bj) a residence permit for research purpose (including a researcher long-term residence permit and a researcher short-term mobility certificate),

bk) a residence permit for study purpose (including a student mobility residence permit and a student mobility certificate),

bl) a residence permit for family reunification issued in a joint application proceeding,

bm) residence permit issued on humanitarian grounds,

bn) residence permit for posted work.

(6) For the purposes of this Act, value, damage or pecuniary loss shall be considered

a) smaller if its amount ranges from fifty thousand and one to five hundred thousand forints,

b) larger if its amount ranges from five hundred thousand and one to five million forints,

c) significant if its amount ranges from five million and one to fifty million forints,

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d) particularly large if its amount ranges from fifty million and one to five hundred million forints,

e) particularly significant if its amount exceeds five hundred million forints.

Section 460 (1) For the purpose of Chapter XIV, a protected person means a person who is not involved in the hostilities directly, and in particular

a) a member of the armed forces, who lays down his weapon and surrenders while retreating from the hostilities;

b) a person who is clearly unfit for combat due to illness, injury, capture, or another reason, or clearly retreated from the hostilities;

c) the personnel of a humanitarian aid or peacekeeping mission working under the Charter of the United Nations if they are entitled to the protection given to civilian persons and facilities under the international law of armed conflicts;

d) a civilian person if, and as long as, he does not participate in the hostilities directly.

(2) For the purposes of Chapter XXVI,

a) a disciplinary matter means a procedure, for which the behaviours constituting disciplinary offences, the detailed rules of the procedure, and the applicable disciplinary punishments are determined by an Act;

b) a civil matter shall also include cases pending before an arbitration court.

Section 461 (1) For the purpose of sections 176 to 180, the quantity of a drug shall be considered small if

a) the amount of pure active substance, specified in a base form, does not exceed

aa) 0.001 grams for LSD,

ab) 0.1 grams for psilocybin,

ac) 0.2 grams for psilocin,

ad) 0.5 grams for amphetamine, methamphetamine, MDPV, and alpha-PVP,

ae) 0.8 grams for dihydrocodeine,

af) 0.6 grams for heroin,

ag) 0.9 grams for morphine,

ah) 1 gram for ketamine, codeine, MDA, MDMA, N-ethyl-MDA (MDE), MBDB, 1-PEA, N-methyl-1-PEA, mCPP, methadone, 4-fluoramphetamine, and pethidine,

ai) 1.5 grams for mephedrone, methylone and 4-MEC,

aj) 2 grams for cocaine,

ak) 3 grams for BZP,

al) 0.4 grams for pentedrone,

b) the amount of pure active substance, specified in an acidic form, does not exceed 7.5 grams for GHB,

c) the amount of THC present in a pure or acidic form (total THC) does not exceed 6 grams for tetrahydrocannabinol (THC)

d) the amount of pure active substance does not exceed

da) 6.2 grams for GBL,

db) 0.05 grams for AB-CHMINACA, MDMB-CHMICA, AM-2201, AB-PINACA, AB-FUBINACA, and ADB-FUBINACA.

(2) For the purpose of sections 176 to 180, the quantity of drugs shall be considered small if the number of cannabis plants does not exceed five.

(3) For the purpose of sections 176 to 180, the quantity of a drug specified in paragraphs (1) to (2) shall be considered

a) significant if it exceeds the maximum limit of small quantity for the given drug by twenty times,

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b) particularly significant if it exceeds the maximum limit of small quantity for the given drug by two hundred times.

(4) For the purpose of sections 176 to 180, the quantity of a drug not specified in paragraphs (1) to (2) shall be considered

a) small if the amount of pure active substance does not exceed the average effective dose of a non-accustomed user by seven times,

b) significant if the amount of pure active substance exceeds the average effective dose of a non-accustomed user by one hundred forty times,

c) particularly significant if the amount of pure active substance exceeds the average effective dose of a non-accustomed user by one thousand four hundred times.

(5) For the purposes of sections 184 to 184/C, the quantity of a new psychoactive substance shall be considered small if the amount of pure active substance does not exceed

a) 0.5 grams for a group of compounds under point 1;

b) 1.5 grams for a group of compounds under point 2;

c) 2 grams for a group of compounds under point 3;

d) 1 gram for a group of compounds under point 4;

e) 0.1 grams for a group of compounds under point 5;

f) 2 grams for a substance under point 6

of the list in Annex 3 to BM Decree 78/2022.

(6) For the purposes of sections 184 to 184/C, the quantity of a new psychoactive substance shall be considered significant if the amount of pure active substance exceeds the maximum limit of small quantity by twenty times.

(7) For the purposes of section 184/B and 184/C, the quantity of a new psychoactive substance shall be considered particularly significant if the amount of pure active substance exceeds the maximum limit of small quantity by two hundred times.

(8) For compounds in the form of salt, pure active substance means active substance specified in a base form.

Value thresholds and infraction cases of certain criminal offences

Section 462 (1) It shall not constitute a criminal offence if

a) a pecuniary loss caused by mismanagement does not exceed one hundred thousand forints,

b) the damage caused by the abuse of social security, social or other welfare benefit does not exceed fifty thousand forints.

(2) It shall not constitute a criminal offence but an infraction if

a) the damage caused by vandalism or fraud does not exceed fifty thousand forints,

b) theft, embezzlement, or unlawful acquisition is committed for a value of less than fifty thousand forints,

c) the pecuniary loss caused by misappropriation does not exceed fifty thousand forints,

d) the violation of copyrights or related rights is

da) committed for not more than one hundred thousand forints' worth of blank media fee or reprography fee,

db) causing pecuniary loss in the amount of not more than one hundred thousand forints,

e) the pecuniary loss caused by the violation of industrial property rights does not exceed one hundred thousand forints,

f) the placing poor-quality products on the market or the imitation of competitors is committed for a value of less than one hundred thousand forints,

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g) the money laundering is committed for a value of less than fifty thousand forints in accordance with section 177 (1a) of Act II of 2012 on infractions, infraction procedure and the infraction records system.

(3) It shall not constitute a criminal offence but a customs infraction if the pecuniary loss caused by committing budget fraud does not exceed five hundred thousand forints.

(4) It shall constitute a criminal offence if the accumulated

a) value of the thing or the damage or pecuniary loss caused exceeds the amount specified in paragraph (2) a) to c) or g) in the case of infractions against property of the same kind,

b) amount of the empty carrier fees or reprography fees exceeds the amount specified in paragraph (2) d) in the case of violation of copyright or related rights,

c) pecuniary loss caused by the violation of industrial property rights exceeds the amount specified in paragraph (2) e),

d) value of the product or goods exceeds the amount specified in paragraph (2) f) in the case of placing poor-quality products on the market or imitation of competitors,

e) pecuniary loss caused by a customs infraction exceeds the amount specified in paragraph (3),

when such offences are committed by the same perpetrator within a period of one year and are adjudicated jointly.

(5) The infractions of the violation of copyright or related rights committed by the same perpetrator and adjudicated jointly shall constitute a criminal offence if one or more copyrights or related rights, existing under the Act on copyright, of one or more other persons are violated causing pecuniary loss in an amount exceeding the amount determined in paragraph (2) d).

Entry into force

Section 463 This Act shall enter into force on 1 July 2013.

Cardinality clause

Section 464 Section 104 (3) qualifies as cardinal on the basis of Article 9 (8) of the Fundamental Law.

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Compliance with the law of the European Union

Section 465 (1) This Act serves the purpose of compliance with the law of the European Union as follows:

a) section 26 (2)

aa) and Chapter XIX with Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA,

ab) and section 192 with Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA,

b) sections 176 to 177 with Council Framework Decision 2004/757/JHA of 25 October 2004 laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking,

c) sections 209 and 356 with Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals,

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d) sections 241 to 243 and 249 with Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law,

e) sections 290 to 291 with Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector,

f) section 375 and Chapter XLIII with Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA,

g) section 389 with Articles 3 to 6 of Council Framework Decision 2000/383/JHA of 29 May 2000 on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro,

h) sections 392 to 394 with Articles 2, 4 and 6 of Council Framework Decision 2001/413/JHA of 28 May 2001 combating fraud and counterfeiting of non-cash means of payment,

i) sections 399 to 402 with

ia) Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC,

ib) Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law

j) sections 410 to 411 and 414 with Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive),

k) sections 72 to 76 with Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union,

l) section 219 with Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA,

m) sections 3, 10, 12, 14, 31, 63, 72 to 77, 80, 314 to 318/A, 319 and 331 with Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA,

n) section 185/A with

na) Directive 2011/62/EU of the European Parliament and of the Council of 8 June 2011 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use, as regards the prevention of the entry into the legal supply chain of falsified medicinal products,

nb) Directive (EU) 2017/2103 of the European Parliament and of the Council of 15 November 2017 amending Council Framework Decision 2004/757/JHA in order to include new psychoactive substances in the definition of ‘drug’ and repealing Council Decision 2005/387/JHA.

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(2) This Act contains provisions for the implementation of the law of the European Union as follows:

a) sections 182 to 183 for

aa) Regulation (EC) No 273/2004 of the European Parliament and of the Council of 11 February 2004 on drug precursors and

ab) Council Regulation (EC) No 111/2005 of 22 December 2004 laying down rules for the monitoring of trade between the Community and third countries in drug precursors,

b) section 327 for

1. Article 5 of Council Regulation (EEC) No 3541/92 of 7 December 1992 prohibiting the satisfying of Iraqi claims with regard to contracts and transactions the performance of which was affected by United Nations Security Council Resolution 661 (1990) and related resolutions,

2. Article 5 of Council Regulation (EC) No 3275/93 of 29 November 1993 prohibiting the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution 883 (1993) and related resolutions,

3. Article 5 of Council Regulation (EC) No 1264/94 of 30 May 1994 prohibiting the satisfying of claims by the Haitian authorities with regard to contracts and transactions the performance of which was affected by the measures imposed by or pursuant to United Nations Security Council resolutions 917 (1994), 841 (1993), 873 (1993) and 875 (1993),

4. Article 5 of Council Regulation (EC) No 1733/94 of 11 July 1994 prohibiting the satisfying of claims with regard to contracts and transactions the performance of which was affected by the United Nations Security Council Resolution 757(1992) and related resolutions,

5. Article 8 of Council Regulation (EC) No 2488/2000 of 10 November 2000 maintaining a freeze of funds in relation to Mr Milosevic and those persons associated with him and repealing Regulations (EC) Nos 1294/1999 and 607/2000 and Article 2 of Regulation (EC) No 926/98,

6. Article 9 of Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism,

7. Article 10 of Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan,

8. Article 15 of Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96,

9. Article 6 of Council Regulation (EC) No 1727/2003 of 29 September 2003 concerning certain restrictive measures in respect of the Democratic Republic of Congo,

10. Article 11 of Council Regulation No 234/2004 of 10 February 2004 concerning certain restrictive measures in respect of Liberia and repealing Regulation (EC) No 1030/2003,

11. Article 12 of Council Regulation (EC) No 314/2004 of 19 February 2004 concerning certain restrictive measures in respect of Zimbabwe,

12. Article 13 of Council Regulation (EC) No 798/2004 of 26 April 2004 renewing the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 1081/2000,

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13. Article 12 of Council Regulation (EC) No 872/2004 of 29 April 2004 concerning further restrictive measures in relation to Liberia,

14. Article 11 of Council Regulation (EC) No 1763/2004 of 11 October 2004 imposing certain restrictive measures in support of effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY),

15. Article 8 of Council Regulation (EC) No 174/2005 of 31 January 2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire,

16. Article 12 of Council Regulation No 560/2005 of 12 April 2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire,

17. regarding the goods specified in Annex II., Article 33 of Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment,

18. Article 10 of Council Regulation (EC) No 1183/2005 of 18 July 2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo,

19. Article 10 of Council Regulation (EC) No 1184/2005 of 18 July 2005 imposing certain specific restrictive measures directed against certain persons impeding the peace process and breaking international law in the conflict in the Darfur region in Sudan,

20. Article 9 of Council Regulation (EC) No 305/2006 of 21 February 2006 imposing specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri,

21. Article 9 of Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus,

22. Article 13 of Council Regulation (EC) No 817/2006 of 29 May 2006 renewing the restrictive measures in respect of Burma/Myanmar and repealing Regulation (EC) No 798/2004,

23. Article 14 of Council Regulation (EC) No 329/2007 of 27 March 2007 concerning restrictive measures against the Democratic People's Republic of Korea,

24. Article 15 of Council Regulation (EU) No 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia,

25. Article 14 of Council Regulation (EU) No 667/2010 of 26 July 2010 concerning certain restrictive measures in respect of Eritrea,

26. Article 47 of Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010,

27. Article 13 of Council Regulation (EU) No 101/2011 of 4 February 2011concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia,

28. Article 17 of Council Regulation (EU) No 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya,

29. Article 13 of Council Regulation (EU) No 270/2011 of 21 March 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt,

30. Article 15 of Council Regulation (EU) No 442/2011 of 9 May 2011 concerning restrictive measures in view of the situation in Syria,

31. Article 15 of Council Regulation (EU) 2019/1716 of 14 October 2019 concerning restrictive measures in view of the situation in Nicaragua.

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c) sections 329 to 330 for

ca) Article 33 of Council Regulation (EU) 2019/125 of the European Parliament and of the Council of 16 January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, regarding the goods specified in Annex III,

cb) Article 24 of Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items,

d) section 219 for Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

(3) Section 216 (1) and (4) and sections 332 and 333 of this Act serve the purpose of compliance with Article 1 of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

(4) Section 459 (1) 12 t) to w) and section 459 (1) 21 f) and g) serve the purpose of compliance with Directive (EU) 2022/2557 of the European Parliament and of the Council of 14 December 2022 on the resilience of critical entities and repealing Council Directive 2008/114/EC.

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