

The Criminal Code

Order No. 909 of September 27, 2005, as amended by Act Nos. 1389
and 1400 of December 21, 2005

GENERAL PART

C h a p t e r 1
Introductory Provisions

§1

Only acts punishable under a statute or entirely comparable acts shall be punished. The same rule shall apply to the other legal consequences set out in Chapter 9.

§2

Unless otherwise provided, Chapters 1 to 11 of this Act shall apply to all punishable offences.

C h a p t e r 2
General Conditions Concerning the
Application of the Provisions of the
Criminal Law

§3

(1) Where the penal legislation in force at the time of the criminal proceedings in respect of any act differs from that in force at the time of the commission of that act, any questions concerning the punishable nature of the act and the punishment to be imposed shall be decided according to the more recent Statute, provided that the sentence may not be more severe than under the earlier Statute. If the repeal of the Statute is due to extraneous circumstances irrelevant to guilt, the act shall be dealt with under the earlier statute.

(2) If, in circumstances other than those provided in the last sentence of Subsection(1) above, an act ceases to be lawfully punishable, any punishment imposed for such an act, but not yet served, shall be remitted. The convicted person may demand that the question concerning the remission of the penalty be brought, at the instance of the Public Prosecutor, before the court which passed sentence at first instance. The decision shall be made by Court Order.

§4

(1) The question whether the punishable act shall have legal consequences of the nature referred to in Sections 56-61, 62-70, 73 and 79 of this Act shall be decided under the law in force at the time of the criminal proceedings.

(2) Unless otherwise provided, other legal consequences shall take effect only if also provided for by the law in force at the time the act was committed.

(3) The provision contained in Section 3(2) of this Act shall similarly apply to legal consequences other than punishment, provided such consequences arise as a direct result of the punishable nature of the act.

§5

Where an aggravation of the punishment or other legal consequences are prescribed in the case of recidivism, decisions made under the previous law shall be taken into account as if they had been made in conformity with the law under which the immediate act is to be dealt with.

§6

Acts committed

- 1) within the territory of the Danish state; or
- 2) on board a Danish ship or aircraft, being outside the territory recognized by international law as belonging to any state; or
- 3) on board a Danish ship or aircraft, being within the territory recognized by international law as belonging to a foreign state, if committed by persons employed on the ship or aircraft or by passengers travelling on board the ship or aircraft, shall be subject to Danish criminal jurisdiction.

§7

(1) Acts committed outside the territory of the Danish state by a Danish national or by a person resident in the Danish state shall also be subject to Danish criminal jurisdiction in the following circumstances, namely;

- 1) where the act was committed outside the territory recognized by international law as belonging to any state, provided acts of the kind in question are punishable with a sentence more severe than imprisonment for 4 months; or
- 2) where the act was committed within the territory of a foreign state, provided that it is also punishable under the law in force in that territory.

(2) The provisions in Subsection (1) above shall similarly apply to acts committed by a person who is a national of, or who is resident in Finland, Iceland, Norway or Sweden, and who is present in Denmark.

(3) In the circumstances referred to in Subsection (1)2), an act committed by a person who at the time of the act was a Danish national or a resident in the Danish state is, however, subject to Danish criminal jurisdiction even if it is not punishable under the law of the foreign state, when the act falls within Section 245 a or Section 246 in relation to Section 245 a of this Act.

The following acts committed outside the territory of the Danish state, shall also come within Danish criminal jurisdiction, irrespective of the nationality of the perpetrator,

- 1) where the act violates the independence, security, Constitution or public authorities of the Danish state, official duties toward the state or such interests, the legal protection of which depends on a personal connection with the Danish state; or
- 2) where the act violates an obligation which the perpetrator is required by law to observe abroad or prejudices the performance of an official duty incumbent on him with regard to a Danish ship or aircraft; or
- 3) where an act committed outside the territory recognized by international law as belonging to any state violates a Danish national or a person resident in the Danish state, provided acts of the kind in question are punishable with a sentence more severe than imprisonment for 4 months; or
- 4) where the act comes within the provisions of Section 183 a of this Act. The prosecution may also include breaches of Sections 237 and 244-248 of this Act, when committed in conjunction with the breach of Section 183 a; or
- 5) where the act is covered by an international convention in pursuance of which Denmark is under an obligation to start legal proceedings; or
- 6) where transfer of the accused for legal proceedings in another country is rejected, and the act, provided it is committed within the territory recognized by international law as belonging to a foreign state, is punishable according to the law of this state, and provided that according to Danish law the act is punishable with a sentence more severe than one year of imprisonment.

§9

Where the punishable nature of an act depends on or is influenced by an actual or intended consequence, the act shall also be deemed to have been committed where the consequence has taken effect or has been intended to take effect.

§ 10

- (1) Where prosecution takes place in this country under the foregoing provisions, the decision concerning the punishment or other legal consequences of the act shall be made under Danish law.
- (2) In the circumstances referred to in Section 7(1) and (2) of this Act, if the act was committed within the territory recognized by international law as belonging to a foreign state, the punishment may not be more severe than that provided for by the law of that state. This, however, does not apply if the act falls within Section 245 a or Section 246 in relation to Section 245 a of this Act.

§ 10 a

(1) A person who has been convicted by a criminal court in the state where the act was committed or who has received a sentence which is covered by the European Convention on the International Validity of Criminal Judgments, or by the Act governing the Transfer of Legal Proceedings to another country, shall not be prosecuted in this country for the same act, if,

- 1) he is finally acquitted; or

2) the penalty imposed has been served, is being served or has been remitted according to the law of the state in which the court is situated; or

3) he is convicted, but no penalty is imposed.

(2) The provisions contained in Subsection (1) above shall not apply to

a) acts which fall within Section 6 of this Act; or

b) the acts referred to in Section 8, No. 1) above, unless the prosecution in the state in which the court was situated was at the request of the Danish Prosecuting Authority.

§ 10 b

Where any person is prosecuted and punishment has already been imposed on him for the same act in another country, the penalty imposed in this country shall be reduced according to the extent to which the foreign punishment has been served.

§11

If a Danish national or a person resident in the Danish state has been punished in a foreign country for an act which under Danish law may entail loss or forfeiture of an office or profession or of any other right, such a deprivation may be sought in a public action in this country.

§ 12

The application of the provisions of Sections 6-8 of this Act shall be subject to the applicable rules of international law.

C h a p t e r 3

Conditions Regarding Criminal Liability

§ 13

(1) Acts committed in self-defence are not punishable if they were necessary to resist or avert an unlawful attack that has begun or is imminent, provided that such acts do not manifestly exceed what is reasonable with regard to the danger inherent in the attack, the aggressor and the importance of the interests endangered by the attack.

Any person who exceeds the limits of lawful self-defence shall not be liable to punishment if his act could reasonably be attributed to the fear or excitement produced by the attack.

(3) Similar rules shall apply to acts necessary to enforce lawful orders in a lawful manner, to carry out a lawful arrest or to prevent the escape of a prisoner or a person committed to an institution.

§ 14

An act which is normally punishable shall not be punished if it was necessary in order to avert threat of damage to a person or to property, and if the offence may be regarded as only of relatively minor importance.

§ 15

Acts committed by children under the age of 15 are not punishable.

§ 16

(1) Persons who, at the time of the act, were irresponsible on account of mental illness or a state of affairs comparable to mental illness, or who are severely mentally defective, are not punishable. Provided that the accused was temporarily in a condition of mental illness or a state of affairs comparable to mental illness on account of the consumption of alcohol or other intoxicants, he may in special circumstances be punished.

(2) Persons who, at the time of the act, were slightly mentally defective are not punishable, except in special circumstances. The same shall apply to persons in a state of affairs comparable to mental deficiency.

§§ 17-18

(Repealed).

§ 19

With regard to the offences dealt with in this Act, acts committed negligently shall not be punished, except where expressly provided. With regard to other offences, the appropriate penal provision shall apply even where the offence was committed negligently, unless the opposite is especially provided.

§ 20

Where a punishment or aggravated punishment is conditional upon the fact that an intentional offence has resulted in an unintentional consequence, then that punishment shall only take effect where such a consequence may be attributed to the negligence of the accused or where he has failed to avert it to the best of his ability, after becoming aware of the danger.

Chapter 4
Attempt and Complicity

§21

(1) Acts which aim at the promotion or accomplishment of an offence shall be punished as an attempt when the offence is not completed.

(2) The punishment prescribed for the offence may be reduced in the case of attempt, particularly where the attempt gives evidence of little strength or persistence in the criminal intention.

(3) Unless otherwise provided, an attempt shall only be punishable when a penalty exceeding imprisonment for 4 months can be imposed for the offence.

§ 22

Attempts shall not be punishable if, voluntarily and not because of fortuitous obstacles to the completion of the offence or to the fulfillment of his purpose, the perpetrator desisted from implementing his intention and prevented the offence's completion, or

took steps which would have prevented its completion had it not, without his knowledge, already been unsuccessful or averted in some other way.

§ 23

(1) The penalty in respect of an offence shall apply to any person who has contributed to the execution of the wrongful act by instigation, advice or action. The punishment may be reduced for any person who has only intended to give assistance of minor importance, or to strengthen an intention already existing and if the offence has not been completed or an intended assistance has failed.

(2) The punishment may similarly be reduced for a person who has contributed to the breach of a duty in a special relationship in which he himself had no part.

(3) Unless otherwise provided, the penalty for participation in offences that are not punishable more severely than with imprisonment for 4 months may be remitted where the accomplice only intended to give assistance of minor importance or to strengthen an intention already existing, or where his complicity is due to negligence.

24

The accomplice shall not be punished if, under the conditions laid down in Section 22 of this Act, he prevents the completion of the offence or takes steps which would have prevented its completion had it not, without his knowledge, already been unsuccessful or averted in some other way.

Chapter 5

Criminal Liability for Legal Persons

§25

A legal person may be punished by a fine, if such punishment is authorized by law or by rules pursuant thereto.

§ 26

(1) Unless otherwise stated, provisions on criminal liability for legal persons etc. apply (Repealed).

to any legal person, including joint-stock companies, co-operative societies, partnerships, associations, foundations, estates, municipalities and state authorities.

(2) Furthermore, such provisions apply to one-person businesses if, considering their size and organization, these are comparable to the companies referred to in Subsection (1) above.

§ 27

(1) Criminal liability of a legal person is conditional upon a transgression having been committed within the establishment of this person at the fault of one or more persons connected to this legal person or at the fault of the legal person himself. As for punishment for attempt, Section 21(3) similarly applies.

(2) Agencies of the state and of municipalities may only be punished for acts committed in the course of the performance of functions comparable to functions exercised by natural or legal persons.

§ 28-30 (Repealed).

Chapter 6 **Penalties**

§31

The ordinary penalties shall be imprisonment or fine.

§33

(1) Imprisonment shall be imposed either for life or for a fixed period of no less than 7 days, nor more than 16 years.

(2) In cases where the punishment prescribed for the offence may be increased, the term of imprisonment may be for up to 20 years.

(3) The punishment may not exceed imprisonment for eight years for an offender who had not reached the age of 18 at the time the crime was committed.

(4) When imprisonment is imposed for a period shorter than three months, it shall be fixed in days: otherwise in months and years.

§§ 34-37 (Repealed).

§ 38

(1) When two-thirds of a prison term, yet at least two months, has been served, the Minister of Justice, or a person so authorized, shall decide whether a prisoner is to be released on parole.

(2) Upon the decision of the Minister of Justice or the decision of a person authorized by the Minister to deal with special types of cases, release on parole may, in special circumstances, take place earlier, provided that the prisoner has served at least half of his sentence, and this constitutes a period of at least two months.

(3) Release on parole shall in general not be granted when the remaining term of imprisonment is less than 30 days.

(4) In accordance with Section 58(1) of this Act, release on parole shall not be granted in connection with the unconditional part of such sentence.

(5) Release on parole shall depend upon such release not being inadvisable by reason of the prisoner's circumstances, upon reasonable residence, work or some other form of support being available for him and upon his undertaking to observe the conditions attached to release as stipulated pursuant to Section 39(2) of this Act.

§ 39

(1) Release on parole shall be conditional upon the parolee not committing any punishable act during the parole period, which shall not exceed three years. Where the

remaining term of imprisonment exceeds three years, the parole period may be for up to five years.

(2) As a condition of the release, it may be laid down that the parolee shall, during the whole or part of the parole period, be subject to supervision. Further conditions may be laid down according to the rules contained in Section 57 of this Act. Conditions concerning residence in a home, hospital or other institution shall be valid only for the remainder of the term of punishment.

§ 40

(1) Where, during the parole period, the parolee commits a further punishable act and legal proceedings in which he is charged with the act are instigated before the expiry of the parole period, the court shall make a decision in accordance with Section 61(2) of this Act, so that the remainder of the sentence is treated as a conditional sentence. Where the release on parole pursuant to Section 40 a, (3) or (4) of this Act has included a condition of community service, the court shall, in determining the common penalty, take into account the extent to which the community service has already been performed.

(2) Furthermore, where the parolee violates the conditions that have been laid down, the Minister of Justice may:

- 1) warn him; or
- 2) alter the conditions and extend the period of parole within the time limit laid down in Section 39 of this Act; or
- 3) in special circumstances decide that he shall be re-imprisoned to serve the remainder of his sentence.

(3) Where the parolee commits a further punishable act during the parole period, but is not prosecuted for it, the rules in Subsection

(2) above shall similarly apply. The same shall be valid where the parolee is convicted abroad for having committed a punishable act during the parole period, and no decision is made in the judgment on the question of completion of the remainder of the sentence.

(4) A decision under Subsections (2) and (3) above may only be made before the expiration of the parole period.

(5) Where no decision is made under Subsections (1), (2) and (3) above concerning the completion of the sentence, the punishment is to be regarded as having been served at the time of the release on parole.

(6) If re-imprisonment is decided upon in accordance with Subsections (2) and (3) above, a further release on parole shall be possible even though the conditions of time laid down in Section 38(1) and (2) or Section 40 a(1) of this Act are not fulfilled in respect to the remainder of the sentence. In making a decision according to the first period, the extent of community service, which the individual has performed pursuant to Section 40 a, (3) or (4) of this Act, shall be taken into account. As far as the parole period after a release of this type is concerned, the time limits laid

down in Section 39 of this Act shall apply, with a deduction of the time-period that the parolee previously was on parole.

§ 40 a

(1) When half of a prison term, yet at least four months, has been served, the Minister of Justice, or the person so authorized, may, beyond the in Section 38(2) of this Act mentioned cases, decide that the prisoner shall be released on parole provided that due regard to enforcement of the law does not speak against it, and

1) the prisoner has made a special effort to not, once more, commit crime, including by participating in treatment or education programmes; or

2) the circumstances of the prisoner support it.

(2) The prisoner shall, as a condition for parole pursuant to Subsection (1) above, be subject to supervision until the point in time where two thirds of the prison term have passed. A condition of continued supervision of the individual may be laid down after that point in time.

(3) Conditions for parole pursuant to Subsection (1), No. 1) above may include one or more additional conditions pursuant to the rules in Section 57 of this Act, and a condition requiring that the parolee shall perform unpaid community service.

(4) A condition for parole pursuant to Subsection (1), No. 2) above shall be that the parolee must perform unpaid community service. Additional conditions can be laid down pursuant to the rules in Section 57 of this Act.

(5) A condition of community service cannot be extended beyond two thirds of the prison term. The supervising authority may, however, decide that a condition of community service shall extend beyond this time, if special reasons support it, yet not beyond the full prison term.

(6) Release on parole pursuant to this provision shall depend upon such release not being inadvisable by reason of the prisoner's circumstances, upon reasonable residence, work or some other form of support being available for him and upon his undertaking to observe the conditions attached to release as stipulated pursuant to Subsections (3) and (4) above.

(7) The provisions in Sections 38(4), 39(1) and (2) 3^d period; 40 and 63(1) 5^o period of this Act similarly apply.

§41

(1) When 12 years of a punishment of life imprisonment have been served the Minister of Justice decides if the prisoner shall be released on parole.

(2) Release on parole shall depend upon such release not being inadvisable by reason of the prisoner's circumstances, upon reasonable residence, work or some other form of support being available for him and upon his undertaking to observe the conditions attached to release as stipulated pursuant to Subsection (3), 3^d period.

(3) Release on parole shall be conditional upon the prisoner not committing any punishable act during the parole period, and that he observes the conditions that have been laid down. The parole period shall not exceed five years. Section 57 shall similarly apply.

§42

(1) Where, during the parole period, the parolee commits a further punishable act and legal proceedings in which he is charged with the act are instigated before the expiry of the parole period, the court can by decree decide that he shall be re-imprisoned to serve the sentence of life imprisonment. In appropriate circumstances, the court may instead impose a sentence for the new offence only, possibly in conjunction with an alteration of the conditions for the parole.

(2) Furthermore, where the parolee violates the conditions, Section 40(2)-(5) pursuant to Section 41(3) shall similarly apply.

§ 43

Where a sentence is fully or partially remitted by conditional reprieve, it may be laid down as a condition of the reprieve that the provisions in Section 40(1)-(5) or Section 42 similarly apply.

§§ 44-49 (Repealed).

§ 50

- (1) Fines shall accrue to the Treasury.
- (2) Where the perpetrator obtained or intended to obtain, through his offence, gain for himself or another, fines may be imposed as a punishment supplementary to other forms of penalty.
- (3) A person sentenced to a fine may not demand payment or reimbursement thereof by another person.

§51

(1) Where under this Act a fine is imposed by or accepted in court, the penalty shall be fixed in the form of day-fines; this shall not apply to fines that are imposed as a supplementary punishment to another legal consequence. The number of day-fines shall be fixed at not less than 1, nor more than 60, having regard to the nature of the offence and the circumstances referred to in Section 80 of this Act. The amount of the single day-fine shall be fixed at a sum corresponding to the average daily earnings of the person concerned; in fixing the amount, account ought to be taken of the convicted person's living conditions, including his capital resources, family responsibilities and any other circumstances affecting his capacity to pay. The day-fine may in no case be fixed at an amount lower than two Danish kroner.

(2) Where a fine is to be imposed with respect to an offence by which the person concerned obtained or intended to obtain a considerable financial gain for himself or

another person, and where the application of day-fines would result in the penalty being fixed at a lower amount than is considered reasonable, having regard to the amount of the profit that has been or might have been obtained by the offence, the court may impose a fine other than in the form of day-fines.

(3) In fixing other fines, special consideration shall be given, within the limits relative to the nature of the offence and to the circumstances referred to in Section 80 of this Act, to the offender's capacity to pay, and to the obtained or intended gain or amount saved.

4) The police may, with other public agencies, make the enquiries necessary for fixing the fine. Furthermore, the police may request the information regarding the conditions of the person concerned, which is found to be important for fixing the fine, from registers kept by public authorities, including the courts. Notification shall be in writing or by direct data transfer.

§ 52 (Repealed).

§ 53

If a fine cannot be recovered, it shall be replaced by a penalty of imprisonment.

§ 54

(1) When a fine is imposed by or accepted in court, the court shall at the same time as the fine is fixed decide on the duration of the alternative penalty. Where the fine has been fixed in the form of a day-fine, it shall, in the fixing of the alternative penalty, be so calculated that one day's imprisonment is equal to one day-fine. However, the alternative penalty may in no case be less than two days. If the fine has been fixed otherwise, the alternative penalty shall be no less than two days, and no more than 60 days. In special cases the alternative penalty may, however, be increased up to nine months.

(2) If part of the fine has been paid, the alternative penalty shall be proportionally reduced. However, part of a day shall be counted as a full day and the alternative penalty shall in no case be reduced below the minimum duration referred to above. If part of the fine has been served as an alternative sentence, and the prisoner offers to pay the remaining part of the fine, account shall be taken, in calculating the latter, only of full days during which the alternative penalty has been served.

A fine imposed upon a legal person cannot, in default of payment, be replaced by an alternative penalty.

§ 55

(1) Ticket fines of 10,000 Danish kroner or less which have been accepted on the request of the police are to be served in accordance with the following table:

Ticket fine:

Dkr. 0-499

Dkr. 500-999 Dkr. 1,000-3,999 Dkr. 4,000-5,999 Dkr. 6,000-10,000

Alternative penalty:

2 days

4 days

6 days

8 days

10 days

In the case of other fines, which are not imposed by or accepted in court, the alternative penalty shall be fixed by the City Court in the jurisdiction where the person concerned has his residence or lives.

(2) The provisions contained in the final sentence of Section 54(1) and of Section 54(2) of this Act shall similarly apply here.

C h a p t e r 7 Suspended Sentences

§ 56

(1) Where the court finds it unnecessary that a penalty should be executed, the terms of the sentence shall provide that the question of the fixing of the punishment be suspended and, after a probationary period, remitted.

(2) If regarded as being more expedient, the court may fix the penalty and decide that the serving of it be suspended and, after a probationary period, remitted.

(3) It shall be a condition for suspension of the sentence that the convicted person does not commit a punishable act during the probationary period, and that he observes any conditions that may be imposed in accordance with Section 57 of this Act. The probationary period is to be fixed by the court and shall not, in general, exceed three years; however, in special circumstances, a probationary period of up to five years may be laid down.

§ 57

As a condition for suspension of the sentence, the court may decide that the offender shall, for the whole or a part of the probationary period, be subject to supervision. Furthermore, the court may lay down other conditions that are found to be expedient, by which the offender, e.g., shall

- 1) observe special stipulations concerning his place of residence, work, education, use of spare-time or association with specific persons;
- 2) take up residence in a suitable home or institution; the sentence shall lay down a length of time, in general not exceeding one year, for such residence;
- 3) abstain from the misuse of alcohol, narcotics or similar medical substances;
- 4) submit to curative treatment for alcoholism or addiction to narcotics or similar medical substances, if necessary in a hospital or a special institution;

- 5) submit to a structured, controlled treatment for alcoholics of at least one years duration;
- 6) submit to psychiatric treatment, if necessary in a hospital;
- 7) be guided by the decisions of the Probation Service concerning restrictions in his control over income and capital, and the carrying out of his financial obligations;
- 8) pay compensation for any loss caused by his offence;
- 9) according to a decision by the municipal authorities submit to measures pursuant to Section 40 of the Law of Social Service, possibly of a specified nature, and comply with the instructions given by the municipal authorities to that person.

§ 58

(1) If the use of imprisonment is considered necessary, but the information concerning the offender's personal circumstances calls for the use of a suspended sentence, according to Section 56 of this Act, the court may decide that part of the deserved punishment, not exceeding six months, be served immediately while the rest of the sentence be suspended.

(2) Fines may be imposed in conjunction with a suspended sentence even though they would not otherwise be prescribed for the offence in question.

§ 59

(1) Conditions which have been laid down in accordance with Section 57 of this Act may later be amended or revoked by Court Order, upon an application from the Prosecuting Authority or the convicted person. An application on the part of the convicted person shall be made through the Prosecuting Authority, which must bring the question before the court as soon as possible. Where an application on the part of the convicted person is not upheld, he may not bring a fresh application within six months of the pronouncement of the court's decision.

(2) The questions referred to in Subsection (1) above shall be brought before the City Court which decided the case in the first instance or the City Court which has jurisdiction over the district where the convicted person has his residence or lives. Provided that the case was decided by the High Court in the first instance, a decision is made by the City Court which has jurisdiction over the district where the convicted person has his residence or lives.

§ 60

(1) Where a convicted person breaks conditions laid down in accordance with Section 57 of this Act, the court may, in consequence,

- 1) warn him; or
- 2) by order, amend the conditions and extend the period of probation within the time limit laid down in Section 56(3) of this Act; or
- 3) by sentence, impose a punishment or other legal consequence for the offence committed, or, where a punishment was prescribed in the terms of the suspended sentence, decide that such punishment is to be executed. Section 58(1) of this Act shall similarly apply here.

(2) The provisions in Section 59(2) of this Act shall apply in a manner similar to the judicial decisions referred to in Subsection (1) above.

§61

(1) Where, before the expiry of the probationary period, legal proceedings are taken against the convicted person in which he is charged with a criminal act committed before the suspended sentence was passed, the court shall lay down the legal consequence for this new offence as well as for the offence previously tried.

(2) Where the convicted person commits a new punishable act during the probationary period and, before its expiry, legal proceedings are taken in which he is charged with the offence, the court shall impose an immediate punishment or other legal consequence for this new offence as well as for the offence previously tried. Thus, the provisions in Section 88(2)-(4) shall apply in a similar manner here. In appropriate circumstances, the court may instead:

1) impose an immediate sentence for the new offence only, possibly in conjunction with an alteration of the conditions of the suspended sentence; or 2) impose another suspended sentence with respect to both offences or solely for the new offence, in accordance with the rules laid down in this or the following chapter.

§ 61 a

(Repealed).

Chapter 8 Community Service

§ 62

(1) If a suspended sentence, in accordance with the rules in Sections 56 and 57 of this Act, is considered insufficient, the court may decide on a suspended-sentence on the condition of community service provided that the convicted person is found suitable for this punishment.

(2) The decision to suspend imprisonment should be made in accordance with the rules in Section 56(1) and (2) of this Act.

(3) Suspension is only on the condition that the convicted person does not commit a criminal offence during the probationary period, and that he or she complies with the conditions imposed in accordance with Section 63 of this Act.

§ 63

(1) As a condition of suspension of imprisonment, the court shall require the convicted person to perform unpaid community service for a minimum of 30 hours and a maximum of 240 hours. The imposed obligation to work shall be carried out within a time-period fixed in proportion to the number of working hours required.

The supervisory authority may, in special circumstances, extend the fixed maximum period under Subsection (1). This period may not, however, exceed the probationary period. The supervisory authority's decision to extend the maximum period must be brought before the court upon request by the convicted person.

(3) The court shall fix a probationary period of a maximum of two years. The sentence can lay down that the probationary period is terminated when the maximum period for carrying out the obligation to perform community service has expired.

(4) The convicted person is subject to supervision during the probationary period. Furthermore, if found to be expedient, the court may fix conditions in accordance with Section 57 of this Act. When the maximum period for carrying out the obligation has expired, the supervision is terminated and any conditions under Section 57 are discontinued, unless the sentence orders otherwise.

§ 64

In connection with a suspended sentence on the condition of community service, immediate imprisonment, or a fine in accordance with the stipulations in Section 58, may be imposed. Imprisonment in accordance with Section 58(1) must not exceed three months.

§ 65

The stipulations in Section 59 on amendment or remittal of conditions shall apply in a similar manner to decisions laid down in Section 63.

§ 66

(1) Where a convicted person fails to perform community service or otherwise violates any condition, the court may

1) impose immediate imprisonment for the offence committed or

(2) uphold the suspended sentence, possibly in conjunction with an extension of the maximum period of community^y service and of the probationary period within the time limit laid down in Section 63 of this Act.

(2) In imposing an immediate custodial sentence in accordance with Subsection (1), No. 1) above, Section 58(1) may apply. A suspended partial sentence under this provision shall replace the sentence of community service, and in addition, the conditions laid down in accordance with Section 63(4) may be imposed. Notwithstanding these provisions, the court may impose immediate imprisonment, for a term not to exceed three months, in conjunction with the ongoing sentence of community^y service.

(3) In determining the penalty, the court shall take into account the extent to which the convicted person has already performed the community service. The court may reduce a sentence laid down in accordance with Section 56(2).

(4) Decisions concerning the execution of a suspended sentence shall be made by decree. Other decisions shall be made by Court Order. Section 59(2) shall similarly apply.

§ 67

(1) The rules in Section 61 shall similarly apply to cases concerning persons, who, upon a suspended sentence on the condition of community service, are charged with a criminal offence committed before or after the sentence.

(2) If an immediate partial suspended sentence is imposed in accordance with Section 58(1) or Section 61(2), No. 1) of this Act, the remaining part of the sentence shall, in accordance with Chapter 7, be substituted by a suspended sentence of community service. Regardless of the provision in the first sentence above, the court may impose an immediate custodial sentence, for any term not exceeding three months, in conjunction with the continuous sentence of community service.

(3) Section 66(3) shall similarly apply.

Chapter 9. Other Legal Consequences of a Punishable Act

Chapter 9 Other Legal Consequences of a Punishable Act

§ 68

Where an accused is acquitted in accordance with Section 16 of this Act, the court may decide on the use of other measures, which it considers to be expedient for the prevention of further offences. If less extreme measures such as supervision, decisions on place of residence or work, addiction treatment, psychiatric treatment and so on are considered insufficient, the court may decide that the person in question shall be taken to a hospital for the mentally ill or to an institution for severe mental defectives, or that he shall be put into care suitable for the mentally deficient, or that he be taken to a suitable home or to an institution where he can receive special nursing or care. Safe custody shall be possible under the conditions stated in Section 70 of this Act.

§ 68 a

(1) Where a measure under Section 68 or § 72, pursuant to Section 68, places the offender in an institution, or where the measure gives rise to this possibility, the decision shall lay down a maximum period of five years for such a measure. The maximum period does also include measures, which are stipulated at a later time under Section 72, pursuant to Section 68, and which result in the original measure being eased. In special circumstances, the court may, at the request of the Prosecuting Authority, by Court Order lay down a new maximum period of two years.

(2) However, a maximum period is, in general, not laid down in the cases, which fall under Subsection (1), if the offender is found guilty of homicide, robbery, deprivation of liberty, serious crime of violence, threats of the kind referred to in Section 266 of this Act, arson, rape or other serious sexual offence, or of attempt of any of the mentioned crimes. If a maximum period has not been laid down, the Prosecuting Authority shall bring the question of modification or final termination of the measure

before the court within five years from the decision, unless the matter has been before the court within the last two years. Thereafter, the question is put before the court atleast every other year.

(3) In the case of measures other than the ones mentioned in Subsection (1), a maximum period, which cannot exceed three years, is laid down for the measure. Under special circumstances the court can upon request from the Prosecuting Authority by Court Order extend the maximum period. The combined period of the measure cannot exceed five years.

§69

Where the offender was, at the time that the punishable act was committed, in a condition resultant upon inadequate development or an impairment or disturbance of his mental abilities, although not of the character referred to in Section 16 of this Act, the court may, if considered expedient, decide upon the use of measures such as those referred to in the second sentence of Section 68 above, in lieu of punishment.

§ 69 a

(1) Where a measure under Section 69 places the offender in an institution, or where the measure gives rise to this possibility, the decision shall lay down a maximum period of five years for the measure and a maximum period, which, in general, may not exceed one year, for the residence. The maximum period of five years does also include measures, which are stipulated at a later time under Section 72, pursuant to Section 69 and Section 68, 2nd period, and which result in the original measure being eased. In special circumstances, the court may, at the request of the Prosecuting Authority, by Court Order lay down a new maximum period of two years for the measure or a new maximum period for the residence.

(2) However, a maximum period for the measure is, in general, not laid down for the cases under Subsection (1), if the offender is found guilty of homicide, robbery, deprivation of liberty, serious crime of violence, threats of the kind referred to in Section 266 of this Act, arson, rape or other serious sexual offence, or of attempt of any of the mentioned crimes. Section 68(2), 2nd and 3^d periods similarly apply.

(3) In the case of measures other than the ones mentioned in Subsection (1), a maximum period, which cannot exceed three years, is laid down for the measure. Under special circumstances the court can upon request from the Prosecuting Authority by Court Order extend the maximum period. The combined period of the measure cannot exceed five years.

§ 70

(1) A person may be ordered to be placed in safe custody where:

1) he is found guilty of homicide, robbery, deprivation of liberty, serious crime of violence, threats of the kind referred to in Section 266 of this Act, arson or of attempt at one of these crimes; and

2) it is apparent from the nature of the act that has been committed and from the information available concerning his character, with special reference to his criminal record that he poses an obvious danger to the life, body, health or liberty of others; and

3) the use of safe custody, in lieu of imprisonment, is considered necessary to avert this danger.

(2) Furthermore, a person may be ordered to be placed in safe custody where

1) he is found guilty of rape or any other serious sexual offence;

2) it is apparent from the nature of the act that has been committed and from the information available concerning his character, with special reference to his criminal record that he poses an obvious danger to the life, body, health or liberty of others; and

3) the use of safe custody, in lieu of imprisonment, is considered necessary to avert this danger.

§71

(1) Where there is a possibility that the court may order an accused to be placed in an institution or in safe custody in accordance with the rules in Sections 68-70 of this Act, the court may appoint for him a coadjutor, preferably a member of his immediate family, who, together with the appointed defender, shall assist the accused with the case.

(2) Where it is ordered that the accused be placed in safe custody or in an institution, as referred to in Subsection (1) above, or where the decision gives rise to this possibility, a coadjutor shall be appointed for him. The coadjutor shall keep himself informed of the condition of the convicted person, and see to it that the residence and other measures last no longer than is necessary. The appointment shall end when the arrangement in question for the offender is finally terminated.

(3) The Minister of Justice shall lay down specific rules regarding the engagement and compensation of coadjutors and about their duties and specific authority.

§ 72

It is the responsibility of the Prosecuting Authority to see to that a measure pursuant to Section 68, 69 or 70 is not upheld for a longer period of time or to a greater extent than necessary.

(2) A decision to alter or to finally terminate a measure under Section 68, 69 or 70 of this Act shall be made by Court Order upon an application by the offender, the coadjutor, the Prosecuting Authority, the management of the institution, or the Prison Services. An application on the part of the offender, the coadjutor, the management of the institution or the Prison Services shall be made through the Prosecuting Authority, which must bring the question before the court as soon as possible. Where an application on the part of the offender or the coadjutor is not granted, another application may not be submitted before six months from the pronouncement of the court's decision.

(3) The provisions in Section 59(2) of this Act shall similarly apply to decisions made under Subsection (2) above. Where a question arises concerning alteration of the arrangement because of a new offence, such a question shall be decided by the court which hears the case dealing with the new offence.

§ 73

(1) Where a person who has committed an offence, after committing it, but before sentence is passed on him, becomes seriously afflicted with any of the conditions of the kind referred to in Sections 16 and 69 of this Act, the court shall decide whether punishment is to be imposed or remitted. If considered expedient, the court may decide that measures in accordance with Sections 68 or 69 of this Act be used in place of punishment, or until the punishment can be implemented.

(2) The provisions in Sections 71-72 of this Act shall similarly apply here.

(3) Where a person who has a punishment imposed on him is placed in an institution in accordance with the second sentence of Subsection (1) above, the length of such residence shall be taken into account in the length of the punishment. § 73 a Following negotiations with the Minister of Social Welfare and Public Health, the Minister of Justice may lay down regulations relating to the announcement of permission for leave etc., in accordance with to decisions made under Sections 68 and 69 of this Act. The Minister of Justice may in this connection decide that decisions made according to these rules cannot be brought before a higher administrative authority.

§ 74 § 74 a

(1) Where a person, who at the time of the crime had not reached the age of 18, has committed a serious person endangering offence or another serious offence, the court can decide that the individual shall submit to a structured, supervised social-pedagogical treatment for the duration of two years, if it is considered expedient for the prevention of further offences.

(2) The court can stipulate instructions upon the offender akin to the conditions, which can be laid down pursuant to Section 57. The maximum period for placement in a residential institution or approved place of residence is one year and six months, including herein a maximum of twelve months in a secure ward of a residential institution for children and young persons. Where a person, who is subject to a measure pursuant to Subsection (1), commits a new offence, the court can, in lieu of imposing a penalty, extend the measure, including the maximum periods pursuant to the 2nd period, with up to six months.

(3) The offender can request that decisions about transfer to a secure ward of a residential institution for children and young persons, and decisions about transfer from outpatient treatment to a residential institution for children and young persons or an approved place of residence, are brought before the court for review. The same is true if the social authorities, as provided by the sentence, decide that the individual shall remain in an institution beyond the

period of residence time fixed in the sentence. The decision is made in the form of a Court Order. Submittal of the case to the court has no suspensive effect. The provision in Section 59(2) similarly applies.

(4) Following negotiations with the Minister of Social Welfare, the Minister of Justice may lay down regulations relating to the announcement of permission for leave etc. for persons, who are subject to a measure pursuant to Subsections (1) and (2). The Minister of Justice may in this connection decide that decisions made according to these rules cannot be brought before a higher administrative authority.

§ 75

The proceeds gained from any criminal act, or a sum equivalent thereto, may, either wholly or in part, be confiscated. Where the size of such an amount has not been sufficiently established, a sum thought to be equivalent to the proceeds may be confiscated.

(2) The following objects may also be confiscated where this must be regarded as necessary in order to prevent further offences, or if warranted by special circumstances:

- 1) objects which have been used, or were intended to be used, in a criminal act;
 - 2) objects produced by a criminal act; and
 - 3) objects with respect to which a criminal act has otherwise been committed.
- (3) In place of confiscation of the objects referred to in Subsection (2) above, a sum may instead be confiscated which is equivalent to their value or a part thereof.
- (4) In place of confiscation under Subsection (2) above, arrangements concerning the objects may instead be decided upon for the purpose of preventing further offences.
- 5) When an association is dissolved by judgment, its capital, documents, protocols etc. may be confiscated.

§ 76

(1) Confiscation under Section 75(1) of this Act may be from any person to whom the proceeds of a criminal act have directly passed.

(2) Confiscation of the objects and amounts referred to in Section 75(2) and (3) of this Act may be from any person who is responsible for the offence and also from someone on whose behalf such a person has acted.

(3) Specially protected rights over confiscated objects lapse only after the court's decision under circumstances similar to those referred to in Subsection (2) above.

(4) Where one of the persons referred to in Subsections (1) and (2) above has, after the criminal act, disposed of the proceeds or of objects of the kind referred to in Section 75(2) of this Act, or of rights of these, the transferred property or its value may be confiscated from the acquirer if he knew of the connection of the transferred property to the criminal act, or has displayed gross negligence in this respect, or if the transfer to him was gratuitous.

(5) Where a person who is liable to confiscation under Subsections (1)-(4) dies, his liability lapses. This shall not apply to confiscation under Section 75(1) of this Act.

§ 76 a

(1) Total or partial confiscation of property belonging to a person found guilty of a punishable act may take place when

1) the act committed is of a nature which may entail a significant gain; and according to the law, the act committed is punishable by imprisonment of six years or more, or is a violation of the laws of euphorants.

(2) Under conditions mentioned in Subsection (1) above, total or partial confiscation of property which the spouse or cohabitant of the offender has acquired may take place unless

1) the property has been acquired more than five years prior to the punishable act upon which the confiscation according to Subsection (1) is based; or

2) the matrimony or cohabitation was not in force at the time of acquisition.

(3) Under conditions mentioned in Subsection (1) above, total or partial confiscation of property transferred to a legal person upon whom the offender, alone or together with his closest relations, has a decisive influence, may take place. The same shall apply if the person in question received a significant part of the income of the legal person. Confiscation may not take place if the property was transferred to the legal person more than five years prior to the punishable act upon which confiscation according to Subsection (1) above is based.

(4) Confiscation according to Subsections (1)-(3) above may not take place if the offender proves beyond any doubt that the property has been acquired in a legal way or with legally acquired means.

(5) In place of confiscation of certain property according to Subsections (1)-(3) above, an amount corresponding to the value of the property or a part of the value, may be confiscated.

§ 77

(1) Where there is confiscation under Section 75(1) or 76 a of this Act and a person has claim to damages on account of the offence, the confiscated property may be used in satisfaction of the claim of damages.

(2) The same shall apply to objects and amounts confiscated under Section 75(2) and

(3) of this Act, if a decision to this effect is made in the sentence.

(3) Where the offender has, in one of the situations referred to in Subsections (1) and (2) above, paid the injured party compensation according to the sentence, the confiscated sum shall be reduced accordingly.

§ 77 a

Where there is reason to believe that objects, which because of their character in connection with other existing circumstances, may be used in a criminal act, they may

be confiscated if this measure is regarded as necessary for the prevention of the criminal act. Under the same conditions confiscation of other assets, including money, may take place. Section 75(4) of this Act shall similarly apply here.

§ 78

- (1) A punishable offence shall not involve the suspension of civil rights, including the right to carry on business under an ordinary license or a maritime license.
- (2) A person who has been convicted of a punishable offence may be debarred from a business requiring a special public authorisation or permission, if the offence committed carries with it an obvious risk of abuse of the position or the occupation concerned.
- (3) The question whether the offence committed implies an objection to carrying on a business of the nature referred to in Subsection (2) above shall, at the request of the person whose application for such authorisation or approval has been refused or of any competent authority, be brought before the court by the Prosecuting Authority. Section 59(2) of this Act shall similarly apply here. The question shall be decided by Court Order. If, according to the decision, the person concerned shall not be allowed to carry on his business, the question may be brought before the court again, but at the earliest after at least two years. Authorisation or permission may also be given by the competent authority before the expiration of this time limit.

§ 79

- (1) A person carrying on one of the undertakings referred to in Section 78(2) of this Act may, on conviction of a punishable offence, be deprived of the right to continue to carry on the business concerned or to carry it on in certain forms if the offence committed carries with it an obvious risk of abuse of the position.
- (2) If warranted by special circumstances, the same shall apply to the carrying on of other forms of business. According to the same rule a person can be deprived of his right to be original subscriber to a joint-stock company, or to be manager or board member of a joint-stock company, or a company or association presupposing a specific public confirmation, or a foundation.
- (3) The deprivation of such a right shall be made for a period of not less than one year nor more than five years, as from the date of the final sentence, or indefinitely; in the latter case, the question as to whether the person concerned shall continue to be excluded from carrying on the business may, at the expiration of five years, be brought before the court according to the rules contained in Section 78(3) of this Act. If warranted by special circumstances, the Minister of Justice may permit the case to be brought before the court before the expiration of the time limit of five years referred to in the first sentence.
- (4) While a case of the kind referred to in Subsections (1) and (2) above is being heard, the court may, by Court Order, debar the person concerned from carrying on the

business until the case is finally decided. In its judgment, the court may decide that appeal shall have no suspensive effect.

C h a p t e r 1 0 Determining the Penalty

§ 80

(1) In determining the penalty consideration shall, keeping with the principle of uniformity in sentencing, be given to the seriousness of the offence and to the information about the offender.

(2) In assessing the seriousness of the offence consideration shall be given to the harm, danger and violation involved, as well as to what the offender knew or should have known thereof. In assessing the information about the offender consideration shall be given to the offender's general personal and social circumstances, the offender's circumstances before and after the offence and the offender's motives for committing the offence.

§ 81

In determining the penalty it shall, as a rule, be considered a circumstance in aggravation

- 1) that the offender is previously punished of significance for the case;
- 2) that the offence is committed by several persons together;
- 3) that the offence is specifically planned or part of extensive crime;
- 4) that the offender intended the offence to have significantly more serious consequences than it did;
- 5) that the offender has shown particularly recklessness;
- 6) that the offence stems from others ethnical origins, religious beliefs, sexual orientation or similar;
- 7) that the offence stems from the injured party's lawful expressions in the public debate;
- 8) that the offence is committed during the execution of public service or duty or by abusing an official capacity or other special position of trust;
- 9) that the offender has caused another person to participate in the offence by use of force, deceit or by taking advantage of the other person's young age or considerable financial or personal troubles, lack of knowledge, irresponsibility or an existing state of dependence;
- 10) that the offender has taken advantage of the injured party's defenceless position;
- 11) that the offence has been committed by a person who is serving a custodial penalty or is subject to some other criminal legal consequence of a custodial nature;
- 12) that the offence is committed by a former prisoner against the institution or a person employed by the institution.

§ 82

In determining the penalty it shall, as a rule, be considered a circumstance in mitigation

- 1) that the offender had not reached the age of 18, when the offence was committed;

- 2) that the offender is of old age, when use of the ordinary penalty is unnecessary or harmful;
- 3) that the offence verges on grounds for impunity;
- 4) that the offender has acted in excusable ignorance or excusable misinterpretation of legal provisions, which prohibit or require the act;
- 5) that the act is committed in a state of agitation provoked by an unlawful attack or by a gross insult on the part of the injured party or individuals associated with the injured party;
- 6) that the offence results from use of force, deceit or from taking advantage of the offender's young age or considerable financial or personal troubles, lack of knowledge, irresponsibility or an existing state of dependence;
- 7) that the offence is committed under the influence of strong compassion or emotion or other special information is available about the offender's state of mind or the circumstances of the offence;
- 8) that the offender voluntarily has averted or attempted to avert the danger resulting from the punishable act;
- 9) that the offender voluntarily has reported himself and made a full confession;
- 10) that the offender has provided information that is crucial for solving punishable acts committed by others;
- 11) that the offender has restored or attempted to restore the damage caused by the punishable act;
- 12) that the offender as a result of the punishable act is deprived of a right referred to in Section 79 of this Act or is imposed with other consequences comparable with punishment;
- 13) that the criminal case against the offender, due to no fault of the offender, is not decided within a reasonable time;
- 14) that such a long time has passed since the punishable act was committed, that the use of the ordinary penalty is unnecessary.

§ 83

The penalty may be reduced within the prescribed statutory range when information about the offence, the offender or other circumstances conclusively supports it. In particularly mitigating circumstances the penalty may be remitted.

§ 84

The application of provisions concerning an aggravation of the penalty or other legal consequences in the case of recidivism shall be conditional upon the offender, before committing the new offence, having been found guilty within the Danish state of a punishable act that according to the law can result in an enhanced punishment for the present offence, or of an attempt or complicity to commit such an act.

(2) The court may ascribe the same recidivism consequences to a sentence imposed in a foreign country as to a sentence imposed within the Danish state.

(3) No recidivism consequences may be ascribed if, before the new punishable act was committed, a period of ten years has passed since the former sentence was served, pardoned, or finally remitted. Where the former penalty was a fine, this time limit shall be calculated from the date of the final sentence or of the acceptance of the fine. With respect to suspended sentences, the time limit shall be calculated from the date of the final sentence.

§ 85

(Repealed).

§ 86

(1) Where the convicted person has been arrested, remanded in custody or hospitalized for mental examination, the length of the imposed imprisonment shall be reduced by a number of days proportionate to the length of time he was in custody or in hospital. Custody for less than 24 hours does not entail reduction. Where the convicted person has been isolated while in custody according to a decision by the court, a number of days are furthermore deducted corresponding to one day for every commenced period of 72 hours, during which the convicted person has been isolated. The sentence shall contain information concerning the duration of the custody, hospitalisation and isolation, which entail reduction. In exceptional cases, the court may decide that the whole penalty must be regarded as having been served, even though the sentence imposed is longer than the time that the convicted person was in custody or in hospital. Where an appeal fails or is withdrawn, such a decision shall be made by the resolution of the superior court. Where a fine is imposed, it shall be decided in the judgment that the whole fine, or a part thereof, shall be considered to have been paid.

(2) Where a judgment is made according to Section 58(1) of this Act, a reduction shall apply to the unsuspended part of the sentence. However, it may be decided in the judgment that reduction shall not, or shall only partially, apply to the unsuspended part of the sentence.

(3) The provisions under Subsections (1) and (2) above shall also apply to court decisions made under No. 3) of Section 60(1) of this Act in cases where, before the decision was arrived at, the probationer had been arrested or remanded in custody.

(4) Where the offender has been arrested, remanded in custody or hospitalized for mental examination abroad, the court shall decide the extent to which there should be any reduction in the penalty imposed.

(5) The provisions in the first and second sentences of Subsection (1) above shall similarly apply to persons who are imprisoned after having been arrested or remanded in custody for breach of conditions of reprieve or parole.

§ 87

(Repealed).

§ 88

(1) If, by one or more acts, a person has committed several offences, one common penalty shall be fixed for these offences within the statutory range prescribed, or, if punishments with a different statutory range apply, within the most severe one.

In particularly aggravating circumstances, the penalty may exceed the most severe penalty prescribed for any of the offences by up to one half.

(2) Where one of the offences is punishable by imprisonment and another punishable by a fine, the court may, in lieu of a common sentence of imprisonment to cover both offences, impose a fine in addition to a sentence of imprisonment.

(3) Where one of the offences is punishable by a day fine and another by a fine of a different nature, the court shall impose a common penalty of a day fine in respect of both offences, unless it is considered appropriate in the circumstances to impose a separate penalty in respect of each offence.

(4) Where one of the offences is punishable with a measure under Sections 68-70 or Section 74 a, of this Act, and another deserves a penal measure, the court may decide that such a penalty shall be remitted.

§ 89

Where a person already sentenced is found guilty of another punishable act committed before the sentence was passed, a supplementary sentence shall be imposed, provided that the offender would have been liable to an aggravation of the penalty in a sentence imposed at the same time for both offences. A supplementary punishment may be imposed for a shorter time than prescribed in Section 33 of this Act. If the term of the previous penalty has not expired, the rules in Section 88 of this Act shall be followed as far as possible.

§ 89 a

(1) In connection with a judgment whereby a person is sentenced to a measure under Sections 68-70 or Section 74 a, of this Act, the court may decide to remit a previously imposed sentence, which has not been served.

(2) Where a person, who is subject to a measure under Sections 68-70 or Section 74 a, is sentenced to a penalty, the court may decide to remit the previously imposed measure.

§ 90 (Repealed).

§ 91 (Repealed).

C h a p t e r 11 Termination of the Legal Consequences of a Punishable Act

§ 92

An offence shall cease to be punishable when the period of limitation has expired, in accordance with Sections 93-94 of this Act.

§ 93

(1) The period of limitation shall be:

- 1) two years, where the offence is not punishable with a penalty more severe than imprisonment for one year;
- 2) five years, where the offence is not punishable with a penalty more severe than imprisonment for four years;
- 3) ten years, where the offence is not punishable with a penalty more severe than imprisonment for ten years;
- 4) fifteen years, where the offence is not punishable with a penalty more severe than imprisonment for a determinate period.

(2) The period of limitation shall in no case be less than five years for:

- 1) breach of Sections 296(2), 297(2) and 302(2) of this Act;
- 2) breach of the tax, customs, duty or subsidy legislation, when an unlawful gain is obtained or may be obtained.

(3) For breach of Section 223(1), and Sections 224 and 225, relating to Section 223(1), of this Act, the period of limitation shall in no case be less than ten years.

Where a person has, by the same act, committed several offences for which different periods of limitation are laid down in Subsections (1)-(3) above, the longest of these periods shall apply to all the offences.

§ 93 a

A period of limitation does not apply when an offence falls within an international agreement to which Denmark has acceded and according to which criminal legal consequences are not barred by limitation.

§ 94

- (1) The period of limitation shall be calculated from the day when the punishable act or omission ceased.
- (2) When liability depends on or is influenced by a consequence that has taken place or any other later event, the period shall be calculated from the occurrence of such consequence or later event.
- (3) Where the act was committed on board a Danish vessel outside the territory of the Danish state, the period shall be calculated from the day when the vessel enters a Danish harbour. However, the commencement of the period of limitation may not be postponed under this provision for more than one year.
- (4) For breach of Sections 210, 216-220, 222, 223, 245 a, 246 in relation to 245 a, and 262 a(2) of this Act the period of limitation shall, however, at the earliest be calculated from the day the injured party reaches the age of 18. The same shall apply to breach of Sections 224 and 225, in relation to Sections 216-220, 222 and 223 of this Act.
- (5) The period of limitation shall be suspended when the person concerned is informed of the charge, or when the prosecution requests any legal proceedings whereby the person concerned is charged with the offence. The period of limitation in relation to a legal person's liability can be suspended be-

fore any person who pursuant to Section 157 of the Administration of Justice Act can accept services on behalf of the legal person.

(6) Where prosecution is withdrawn without any decision to the contrary having been made the responsible prosecuting authority within the statutory time for making such a decision, the period of limitation shall run as if no prosecution had been instituted. This shall also apply where the prosecution is suspended indefinitely. If the suspension is due to the fact that the accused has evaded prosecution, this time shall not be included in the calculation of the period of limitation.

§ 95

Where an act ceases to be punishable because of limitation, it shall not be possible to use the legal consequences provided in Sections 68-70, 74 a, 164(4) or 236 of this Act, or confiscation or deprivation of rights. For confiscation, the period of limitation shall in no case be less than five years, or ten years in the case of confiscation under Section 75(1) of this Act.

§ 96

- (1) The authority to instigate private prosecution or to request public prosecution shall cease when the person so entitled has not taken steps to proceed or made a request within six months of acquiring such information that he had a sufficient basis for starting proceedings or making a request for prosecution.
- (2) Where several persons are entitled to prosecute or there are several offenders, the period of limitation shall be calculated separately for each of them. Where the period in which a public prosecution may be requested has expired for one of the offenders, but not for the others, it shall be left to the discretion of the prosecuting authority whether to comply with a request to prosecute such others.
- (3) The authority to bring a private prosecution or to request public prosecution shall cease at the expiry of six months from the death of the injured party.
- (4) Where a privately prosecuted case does not result in a decision being made with regard to the penalty, the period of limitation shall go on without the period during which the prosecution took place being included.
- (5) The provisions in Subsections (1)-(4) above shall also apply to the legal consequences referred to in Section 273 of this Act, with the exception that the period of limitation shall be three years.

§ 97

- (1) Imprisonment and other legal consequences of a custodial nature which have been imposed shall cease to apply in the event of limitation according to the rules in Subsections (2)-(6) below.
 - (2) The period of limitation shall be:
 - 1) five years for imprisonment for up to one year and for measures pursuant to Section 74 a of this Act;

- 2) ten years for imprisonment for more than one year but not more than four years and for measures pursuant to Sections 68 and 69 of this Act;
 - 3) fifteen years for imprisonment for more than four years but not more than eight years and for safe custody under Section 70 of this Act;
 - 4) twenty years for imprisonment for more than eight years.
- (3) The period of limitation shall be calculated from the time when the sentence could have been implemented according to the general rules.
- (4) The period of limitation shall not include the time during which
- 1) implementation of the sentence is postponed by it being suspended or by conditional reprieve;
 - 2) the person concerned is serving another sentence of imprisonment or is subject to another legal consequence of a custodial nature; or
- 3) implementation of the sentence is impeded because the person has evaded serving the sentence.
- (5) The limitation shall be interrupted once the sentence has begun to be served.
- (6) Where it is decided to reincarcerate a person after his release on parole, conditional discharge or conditional reprieve for part of his sentence, the period of limitation for the remainder of the sentence or other legal consequence shall be calculated as from the time when such decision is made. Where the serving of a sentence is interrupted in some way other than by release on parole, conditional discharge or reprieve, the period of limitation shall be calculated as from the time when the sentence is interrupted, confer, however, Subsection (4), No. 3).

§ 97 a

- (1) If a request to levy distress is not made beforehand, fines shall cease to apply after
- 1) five years, where the fine does not exceed 10,000 Dkr., and
 - 2) ten years, where the fine exceeds 10,000 Dkr.
- (2) Punishment in substitution for fines shall cease to apply after three years, unless the serving of such punishment has commenced beforehand. In cases of fines exceeding 10,000 Dkr., the time limit is, nonetheless, five years.
- (3) Confiscation shall cease to apply after five years, unless a request for execution is made before this time. In the judgment a period of limitation of up to ten years may be laid down. Such a period of limitation may also, at a later stage, be laid down by Court Order, the question being brought by the prosecuting authority before the court which decided the case in the first instance.
- (4) The periods of limitation described in Subsections (1) and (3) above shall be calculated from the time when the decision could have been implemented according to the general rules. Any time during which implementation was postponed by the sentence being suspended or by conditional reprieve shall not be included in such periods.

§ 97 b

- (1) Criminal legal consequences may not be implemented after the death of the convicted person.
- (2) The prosecuting authority may bring the question of a confiscation order being maintained before the court that decided the case in the first instance. Confiscation may only be so maintained in respect of goods or money gained as the proceeds of a criminal act or which are equivalent to such proceeds. The court may alter a decision with respect to confiscation so that a sum of money is confiscated in place of goods. Such a decision shall be made by Court Order.
- (3) Decisions made under Sections 164(4) and 273(2) of this Act may be implemented after the death of the convicted person.

§97c

There may be a reprieve for confiscation in the same way as for punishment.

SPECIAL PART

Chapter 12

**Offences against the Independence
and Safety of the State**

§ 98

- (1) Any person who, by foreign assistance, by the use of force, or by the threat of such, commits an act aimed at bringing the Danish state or any part of it under foreign rule or at detaching any part of the state shall be liable to imprisonment for any term up to life imprisonment.
- (2) The same penalty shall also apply to any person who, for the purpose mentioned in Subsection (1) above, organises extensive sabotage, suspension of production or traffic, as well as to any person who partakes in such an act, conscious of its purpose.

§ 99

- (1) Any person who commits an act aimed at involving the Danish state or any allied power in war, enemy occupation or other hostilities, such as blockade or any other coercive measure or who otherwise endeavours to bring about, by foreign assistance, a violation of the independence of the Danish state, shall be liable to imprisonment for any term up to life imprisonment.
- (2) For the purpose of this section and other sections of Chapters 12 and 13 of this Act, enemy occupation shall mean foreign occupation of any territory of the Danish state, if and so long as it is inflicted on the country by the use of force or by the threat of force.

§ 100

(1) Any person who by public statements incites enemy action against the Danish state or who brings about an evident danger of such action shall be liable to imprisonment for any term not exceeding six years.

(2) Any person who by public statements incites intervention by a foreign power in the affairs of the Danish state or who brings about an evident danger of such intervention shall be liable to a fine or to imprisonment for any term not exceeding one year.

§ 101

Any person who, in the face of impending war, enemy occupation or any other hostilities commits an act by which preparations are made for aiding the enemy shall be liable to imprisonment for any term not exceeding 16 years.

§ 102

(1) Any person who, in time of war or enemy occupation, assists the enemy by word or deed or, for the promotion of enemy interests, impairs the military efficiency of the Danish state or of any allied power, shall be liable to imprisonment for any term not exceeding 16 years.

(2) The following acts shall be deemed to be assistance to the enemy:

- 1) Recruitment for or service in the armed forces of any enemy power at war or in occupation, or in associated military or police forces or in any similar bodies or organisations.
- 2) Exercise of functions as a civil employee in the police or prison administration of any enemy power at war or in occupation, where such functions include participation in the examination or custody of prisoners.
- 3) Informing or similar collaboration with any enemy authority or any associated organisation or person bringing about the arrest or risk of arrest or injury of anybody associated.
- 4) Propaganda for the benefit of any enemy power at war or in occupation, including activities as publisher, editor or administrative officer of any daily paper, periodical, publishing business or press bureau working for the promotion of enemy interests.
- 5) Payment of substantial financial assistance to others with a view to promoting propaganda of the nature referred to in No. 4) above or to any party or organisation unduly cooperating with the enemy power at war or in occupation or promoting the interests of such power.

(3) Where informing (as under No. 3), Subsection (2) above) has taken place under such circumstances that the informer was aware that a person thereby incurred the risk of imminent danger of losing his life, suffering grievous harm to person or health, of being deported or being deprived of his liberty for a long time, or where Sections 245, 246 or 250 of this Act have been contravened with a view to extorting evidence or a confession or otherwise as part of any maltreatment of prisoners, imprisonment for life may be inflicted.

§ 103

(1) Any person who, in time of war or enemy occupation or imminent danger of such, fails to fulfil a contract relating to measures taken by the Danish state in this connection, or who otherwise counteracts such measures, shall be liable to imprisonment for any term not exceeding three years.

(2) If the failing fulfilment is due to gross negligence, the penalty shall be a fine or imprisonment for any term not exceeding four months.

§ 104

(1) Any person who, directly or through an intermediary, unduly cooperates for commercial purpose with any enemy power at war or in occupation shall be liable to a fine

or to imprisonment for any term not exceeding eight years.

(2) Criminal liability under Subsection (1) above may devolve on any person who has had a position of management in the undertaking concerned. Criminal liability may also devolve on other persons employed in the undertaking when their conduct has been particularly objectionable.

(3) In determining whether and, if so, to what extent the cooperation is deemed to be undue in this sense, account shall be taken not only of the importance of the undertaking to the enemy power at war or in occupation, but also of whether the person concerned

1) had himself taken steps to arrange for the establishment, continuation or extension of any business relations; or

2) in the interest of the enemy at his own initiative has reorganised the undertaking, or has achieved, or attempted to achieve, an increase or acceleration of production, above what was necessary; or

3) had called on the assistance of the enemy in his relations with any Danish authority with a view to promoting his own interests; or

4) had prevented or tried to prevent any Danish public authority from obtaining full access to knowledge of the circumstances of the undertaking;

5) had obtained or tried to obtain an excessive profit or any other privileges not reasonably justified in the undertaking.

§ 105

Any person who, in time of enemy occupation, commits an act aimed at inducing the occupying power or any organisation or person associated with that power to impair the independence of any Danish public authority, or who takes undue advantage of any connection with the occupying power or with any organisation or person associated with that power with a view to obtaining for himself or for others a special privilege, shall be liable to imprisonment for any term not exceeding eight years.

§ 106

Any person who acts against the interests of the state in carrying out a duty entrusted to him to negotiate or settle, on behalf of the state, any matter with any foreign state, shall be liable to imprisonment for any term not exceeding 16 years.

§ 107

(1) Any person who, being in the service of any foreign power or organisation or for the use of persons engaged in such service, inquires into or gives information on matters which, having regard to Danish state or public interests, should be kept secret, shall, whether or not the information is correct, be guilty of espionage and liable to imprisonment for any term not exceeding 16 years.

(2) If the information is of the nature indicated in Section 109 of this Act, or if the act is committed in time of war or enemy occupation, the penalty may be increased to imprisonment for life.

§ 108

(1) Any person who, by any act other than those covered by Section 107 of this Act, enables or assists the Intelligence Service of a foreign state to operate directly or indirectly within the territory of the Danish state shall be liable to imprisonment for any term not exceeding six years.

(2) If the information concerns military affairs or if the act is committed during war or enemy occupation, the penalty may be increased to imprisonment for any term not exceeding 12 years.

§ 109

(1) Any person who discloses or imparts any information on secret negotiations, deliberations or resolutions of the state or its rights in relation to foreign states, or which has reference to substantial economic interests of a public nature in relation to foreign countries, shall be liable to imprisonment for any term not exceeding 12 years.

(2) If any of these acts has been committed through negligence, the penalty shall be a fine or imprisonment for any term not exceeding three years.

§ 110

(1) Any person who forges, destroys or removes any document or any other instrument that is of importance to the safety of the state or to its rights in relation to foreign states shall be liable to imprisonment for any term not exceeding 16 years.

(2) If any of these acts has been committed through negligence, the penalty shall be a fine or imprisonment for any term not exceeding three years.

§ 110 a

(1) Any person who, intentionally or through negligence, without being duly authorised to do so,

- 1) describes, takes photographs or otherwise depicts Danish military defence installations, depots, units, arms, material, etc., which are not accessible to the public, or who duplicates or publishes such descriptions or depictions; or
 - 2) publishes provisions relating to the mobilisation of Danish forces or other war preparations, shall be liable to a fine or imprisonment for any term not exceeding three years.
- (2) Any person who, intentionally or through negligence, without being duly authorised to do so, takes photographs from aircraft over territory of the Danish state or publishes such unlawfully taken photographs, shall be liable to a fine.

§ 110 b

Any person who gives his assistance to any violation of neutrality against the Danish state on the part of any foreign power shall be liable to imprisonment for any term not exceeding eight years.

§ 110 c

(1) Any person who contravenes any provisions or prohibitions that have been provided by law for the protection of state defence or neutrality shall be liable to a fine or to imprisonment for any term not exceeding four months or, in particularly aggravating circumstances, to imprisonment for any term not exceeding three years.

(2) Any person who contravenes any provisions or prohibitions that have been provided by law for the fulfilment of the state's obligations as a member of the United Nations shall be liable to a fine or to imprisonment for any term not exceeding four months or, in particularly aggravating circumstances, to imprisonment for any term not exceeding four years.

(3) The same penalty as in Subsection (2) shall apply to any person who contravenes provisions that are contained in or derived from regulations issued pursuant to Articles 60, 301 or 308 in the Treaty Establishing the European Community, and which aim at interrupting or reducing, in part or completely, the financial or economic relations with one or more countries outside of the European Union or at similar sanctions against individuals, groups of people or legal persons.

Where an offence of the kind described in Subsection (1), (2) or (3) above is committed through negligence, the penalty shall be a fine or imprisonment for any term not exceeding two years.

§ 110 d

If any of the offences dealt with in Chapters 25, 26 or 27 of this Act is committed against a foreign sovereign or the head of any foreign diplomatic mission, the penalty may exceed the most severe penalty prescribed for any of the offences by up to one half

§ 110 e

Any person who openly insults any foreign nation, foreign state, its flag or any other recognized symbol of nationality or the flag of the United Nations or the Council of Europe shall be liable to a fine or to imprisonment for any term not exceeding two years.

§ 110 f

The offences referred to in this Chapter shall, in all cases, be dealt with by public prosecution, to be instituted by the order of the Minister of Justice.

Chapter 13 Offences against the Constitution and the Supreme Authorities of the State

§ 111

Any person who commits an act aimed, by foreign assistance, by the use of force, or by the threat of such, at changing the Constitution or making it inoperative shall be liable to imprisonment for any term extending to life imprisonment.

§ 112

Any person who commits an act directed against the life of the sovereign or of the constitutional regent shall be liable to imprisonment for not less than six years.

§ 113

(1) Any person who interferes with the safety or independence of the Parliament or otherwise commits any act aimed, by the use of force or the threat of such, at extorting any resolution from the Parliament or preventing it from freely exercising its activities shall be liable to imprisonment for any term not exceeding six years or, in particularly aggravating circumstances, to life imprisonment.

(2) The same penalty shall apply to any person who similarly interferes with or exercises coercion against the sovereign or against the constitutional regent or against the ministers, the Constitutional Court or the Supreme Court.

§ 114

(1) Any person who, by acting with the intent to frighten a population to a serious degree or to unlawfully coerce Danish or foreign public authorities or an international organisation to carry out or omit to carry out an act or to destabilize or destroy a country's or an international organisation's fundamental political, constitutional, financial or social structures, commits one or more of the following acts, when the act due to its nature or the context, in which it is committed, can inflict a country or an international organisation serious damage, shall be guilty of terrorism and liable to imprisonment for any term extending to life imprisonment:

- 1) Homicide pursuant to Section 237 of this Act.
- 2) Gross violence pursuant to Section 245 or Section 246 of this Act.
- 3) Deprivation of liberty pursuant to Section 261 of this Act.
- 4) Impairment of the safety of traffic pursuant to Section 184(1) of this Act; unlawful disturbances in the operation of public means of transportation etc. pursuant to Section 193(1) of this Act; or gross damage to property pursuant to Section 291(2) of this Act; if

these violations are committed in a way, which can expose human lives to danger or cause considerable financial losses.

- 5) Seizure of transportation means pursuant to Section 183 a of this Act.
 - 6) Gross weapons law violations pursuant to Section 192 a of this Act or Law about Weapons and Explosives Section 10(2).
 - 7) Arson pursuant to Section 180 of this Act; explosion, spreading of noxious gasses, flooding, shipwrecking, railway- or other traffic-accident pursuant to Section 183(1)-(2) of this Act; health-endangering contamination of the water supply pursuant to Section 186(1) of this Act; health-endangering contamination of products intended for general use etc. pursuant to Section 187(1) of this Act.
- (2) Similar punishment shall apply to any person who, with the in Subsection (1) mentioned intent, transports weapons or explosives.
- (3) Similar punishment shall further apply to any person who, with the in Subsection 1 mentioned intent, threatens to commit one of the acts mentioned in Subsections (1) and (2).

§ 114 a

Any person who

- 1) directly or indirectly provides financial support to;
- 2) directly or indirectly procures or collects means to; or
- 3) directly or indirectly places money, other assets or financial or other similar means at the disposal of; a person, a group or an association, which commits or intends to commit acts of terrorism as included under Section 114 of this Act, shall be liable to imprisonment for any term not exceeding ten years.

§ 114 b

Any person who otherwise by instigation, advice or action contributes to advance the criminal activity or the common purpose of a group or an association, which commits one or more acts included under Section 114 or Section 114 a, No. 1) or 2) of this Act, when the activity or the purpose involves that one or more acts of this nature is committed, shall be liable to imprisonment for any term not exceeding six years.

§ 114 c

Any person who, by any act other than those included under Sections 114-114 b of this Act, participates in or provides significant financial support or other significant support to any corps, group or association, which intends, by use of force, to exert influence on public affairs or give rise to disturbances of the public order, shall be liable to imprisonment for any term not exceeding six years.

§ 114 d

Any person who, by any act other than those included under Sections 114-114 c of this Act, participates in an unlawful military organization or *group*, shall be liable to a fine or to imprisonment for any term not exceeding two years.

§ 114 e

Any person who under aggravating circumstances in contravention of the legislation on nonproliferation of weapons of mass destruction etc.

- 1) exports products with dual use without permission;
- 2) for the use by the authorities in making decisions about products with dual use gives incorrect or misleading information or suppresses information of significance for the decision in the case; or
- 3) acts in violation of conditions, which are stipulated in the authorities' decisions about products with dual use;

shall be liable to imprisonment for any term not exceeding six years.

§ 115

(1) If any of the offences dealt with in Chapter 25, 26 or 27 of this Act is committed against the sovereign or against the constitutional regent, then unless the circumstances are covered by Sections 112 and 113 of this Act, the penalties prescribed in the above chapters for such an offence are doubled.

(2) If any of the said offences is committed against the queen, the queen dowager or the heir apparent, the penalty may exceed the most severe penalty prescribed for any of the offences by up to one half.

§ 116

(1) Any person who prevents or attempts to prevent any holding of elections to the Parliament, to the Assembly of the Faroe Islands or to the municipal or any other public councils or authorities, or who corrupts the outcome of any election or renders it impossible to count the votes, shall be liable to imprisonment for any term not exceeding six years.

(2) The same penalty shall apply where such acts are committed in connection with a referendum in public affairs, as provided by law.

§ 117

Any person who, in the case of elections or referendums referred to in Section 116 of this Act,

- 1) unlawfully obtains authorisation, for himself or for others, to take part in the voting; or
- 2) attempts, by unlawful coercion (as described in Section 260 of this Act), by deprivation of liberty or by taking advantage of a position of superiority, to induce some other person to vote in a particular way or to abstain from voting; or
- 3) causes, by deceit, some other person, against his intention, to abstain from voting or brings it about that such a person's vote is rendered invalid or that it has an effect different from that intended; or
- 4) grants, or promises or offers any pecuniary favour with a view to making a person vote in a particular way or abstain from voting; or
- 5) receives, or demands or accepts the promise of any pecuniary favour against voting in a particular way or against abstaining from voting; shall be liable to a fine or to imprisonment for any term not exceeding two years.

§ 118

(1) Any person who, by the use of force or the threat of force or by exploiting a fear of intervention on the part of a foreign power, prevents or attempts to prevent any public authority from freely exercising its activities shall, if the act is committed for the purpose of influencing public affairs or disturbing the public order, be liable to imprisonment for any term not exceeding 12 years.

(2) The same penalty shall apply to any person who, for the purpose indicated in Subsection (1) above and by using the means indicated in that Subsection, gravely impairs freedom of speech or prevents any society or any other association from freely exercising its lawful activities.

(3) The same penalty shall again apply to any person who, for the purpose indicated in Subsection (1) above and by using the means indicated in that subsection, commits the offence dealt with in Section 193 of this Act or any similar act detrimental to the public good.

§ 118 a

The offences referred to in Sections 111 15 and 118 of this Act shall in all cases be dealt with by public prosecution, to be instituted by the order of the Minister of Justice.

Chapter 14

Offences against Public Authority, etc.

§ 119

(1) Any person who, by the exertion of violence or threat of violence, assaults any person required to act by virtue of a public office or function, while executing the office or function or on the occasion of such office or function, or who similarly attempts to prevent such a person from discharging a lawful official function or to force him to discharge an official function, shall be liable to a fine or to imprisonment for any term not exceeding eight years.

(2) The same penalty shall apply to any person who, in circumstances other than those covered by Subsection (1) above, threatens with violence, with deprivation of liberty or with allegation of a criminal act or dishonourable conduct any person vested by public authority with jurisdiction or the power to make decisions on any matter involving legal consequences or in enforcing the authority of the Executive in criminal matters, provided such threat is made either in respect of the execution of the office or function or who similarly attempts to prevent such a person from discharging a lawful official function or to force him to discharge an official function.

(3) If, otherwise, any person puts obstacles in the way of persons required to carry out their office or function, he shall be liable to a fine or imprisonment for any term not exceeding six months.

§ 120

The penalties prescribed in Section 119 of this Act shall, if the acts referred to in that section are carried out by means of a crowd, apply to those who instigate or

direct the crowd and to the participants who fail to comply with any order to disperse, lawfully pronounced by the public authorities.

§ 121

Any person who attacks any of the persons referred to in Section 119 of this Act with insults, abusive language or other offensive words or gestures, while they are executing their office or function or on occasion of such office or function, shall be liable to a fine or to imprisonment for any term not exceeding six months.

§ 122

Any person who unlawfully grants, promises or offers some other person, who is working in Danish, foreign or international public service or functions, a gift or other favour in order to induce that other person to do or fail to do anything in the service, shall be liable to a fine or imprisonment for any term not exceeding three years.

§ 123

Any person, who, under threat of violence, by violence, unlawful coercion of the kind described in Section 260 of this Act, or threats of the kind described in Section 266 of this Act or in any other way commits a criminal offence against a person or this person's closest relatives or friends or others connected to this person, in conjunction with this person's anticipated or already given explanation to the police or in court, shall be liable to a fine or to imprisonment for any term not exceeding eight years.

§ 124

- (1) Any person who escapes while being under arrest or imprisoned shall be liable to a fine or imprisonment for any term not exceeding two years.
- (2) The same penalty shall apply to any person who sets free a person who is arrested, imprisoned or detained or any person who prompts or helps such a person to escape or harbours an escaped person.
- (3) Any person who unlawfully communicates with a person who is imprisoned or detained shall be liable to a fine or to imprisonment for any term not exceeding three months.
- (4) The provisions in Subsections (1)-(3) also apply to individuals placed in safe custody as well as to individuals who, instead of detention on remand, in connection with serving a sentence outside of the Prison Services, or pursuant to Section 74 a of this Act are detained in an institution etc.

§ 125

- (1) Any person who
1) with a view to shielding some other person from prosecution for an offence or from punishment, harbours him, helps him to escape or passes him off as someone else; or who

2) destroys, alters or removes objects of importance to a public enquiry or blots out the traces of a crime;

shall be liable to a fine or to imprisonment for any term not exceeding two years.

(2) Any person who commits any of the acts referred to in Subsection (1) above with a view to shielding himself or any one of his near relatives from prosecution or punishment shall not be liable to punishment.

§ 125 a

Any person who, for the purpose of obtaining a gain and under otherwise particularly aggravating circumstances, is guilty of smuggling human beings according to Section 59(7), Nos. 1)-5) of the Act of Immigration, is liable to imprisonment for any term not exceeding eight years. Considered as particularly aggravating circumstances are especially cases where the lives of others are exposed to danger or where the violations are of a more systematic or organised nature.

§126

(1) Any person who removes or destroys any seal or mark affixed by a public authority shall be liable to a fine or to imprisonment for any term not exceeding six months.

(2) Any person who removes or damages any poster put up by any public authority shall be liable to a fine or to imprisonment for any term not exceeding three months.

§ 127

(1) Any person who evades military service or who persuades or helps any conscript to evade his__liability for military service, or who incites conscripts or persons belonging to the military forces to disobedience of official orders shall be liable to a fine or to imprisonment for any term not exceeding two years.

(2) If any of the acts referred to in Subsection (1) above is committed in time of war or threat of war, the penalty shall be imprisonment for any term not exceeding six years.

§ 128

Any person who within the territory of the Danish state undertakes to recruit for war service with a foreign power shall be liable to a fine or to imprisonment for any term not exceeding two years.

§ 129

Any person who, without being empowered to do so, discloses public information concerning the proceedings of the elections or referendums dealt with in Section 116 of this Act or concerning negotiations of a confidential nature pursued by or in public councils or authorities shall be liable to a fine or to imprisonment for any term not exceeding three months. The same penalty shall apply to any person who, without being empowered to do so, gives public information concerning negotiations carried on by or in any commission or committee set up by the Government, provided

that the Government or the commission or committee concerned has published its decision that the negotiations shall be confidential.

§ 129 a

(1) Any person who publishes versions which he knows to be untrue or false quotations or communications on facts given in court sittings or at meetings of the Parliament or of any municipal council or authority shall be liable to a fine or to imprisonment for any term not exceeding two years.

(2) The same penalty shall apply to any person who, conscious of the untruthfulness of the accusation, by publicly imputing to the Government or to any other public authority an act, which it has not committed, prejudices the interests of the state in relation to foreign countries.

§ 130

Any person who exercises a public power without being entitled to do so shall be liable to a fine or to imprisonment for any term not exceeding two years.

§ 131

(1) Any person who, publicly or for an unlawful purpose, pretends to be vested with a public power or public authorisation to carry on an undertaking or who, without public authorisation, carries on an undertaking for which such authorisation is required or continues to carry on an undertaking despite having been deprived of the authorisation to do so shall be liable to a fine or to imprisonment for any term not exceeding six months.

(2) Any person who assists another person in carrying on an undertaking after the person has been deprived of the right to do this shall be liable to a fine or, in particularly aggravating circumstances, to imprisonment for any term not exceeding four months.

§ 132

(1) Any person who, intentionally or through negligence, unlawfully uses

- 1) any badge or uniform that is restricted to a Danish or foreign public authority or to military personnel; or
- 2) any badge or designation that is restricted to persons, institutions and material designed to give assistance to wounded or sick persons in case of war; or
- 3) any badge or name of international organisations;

shall be liable to a fine.

(2) The provisions in Subsection (1) above shall similarly apply with respect to imitations of the badges, uniforms and designations referred to.

§ 132 a

Any person who takes part in the continued activities of an association after that association has been temporarily prohibited by the Government or has been dissolved by judgment shall be liable to a fine or to imprisonment for any term not exceeding two years.

Chapter 15
Offences against Public Peace and Order

§ 133

- (1) Any person who instigates a crowd with intent to exert or to threaten violence to persons or property shall be liable to a fine or to imprisonment for any term not exceeding three years.
- (2) The same penalty shall apply to those who, before a crowd, where the mentioned purpose has been made known, act as leaders of the crowd, and to any participant who fails to comply with an order to disperse, lawfully pronounced by the public authorities.
- (3) If during such crowd any offence covered by its purpose is committed, the instigators or leaders of the crowd are subject to punishment pursuant to the provision that concerns the offence.

§ 134

Any participant of a crowd who, knowing that an order to disperse has been lawfully pronounced, does not comply with such an order shall be liable to a fine or to imprisonment for any term not exceeding three months.

§ 134 a

Any participants in brawls or any other grave disturbance of public peace and order shall, if acting by arrangement or jointly, be liable to imprisonment for any term not exceeding one year and six months.

§ 134 b

- (1) Any person who, in connection with meetings, gatherings, processions or similar, moves ^yabout with the face entirely or partially covered with a hood, a mask, paint or similar in a manner, which is likely to prevent identification, shall be liable to a fine or to imprisonment for any term not exceeding six months.
- (2) The same penalty shall apply to any person who in a public place possesses objects, which must be considered intended for covering up the face under the circumstances as described in Subsection (1).
- (3) The prohibitions of Subsections (1) and (2) do not apply to covering of the face, which is undertaken to protect against the weather, or which serves other creditable purpose.

§ 135

Any person who, by groundless alarms, by abuse of danger signals or by similar acts, causes the police, the fire-brigade, an ambulance, the sea and air rescue service or the civil defence to turn out, shall be liable to a fine or to imprisonment for any term not exceeding three months.

§ 136

(1) Any person who, without thereby having incurred a higher penalty, publicly incites others to an offence shall be liable to a fine or to imprisonment for any term not exceeding four years.

(2) Any person who, in public, expressly approves of any of the offences dealt with in Chapters 12 and 13 of this Act shall be liable to a fine or to imprisonment for any term not exceeding two years.

§ 137

(1) Any person who attempts to prevent the holding of any lawful public meeting shall be liable to a fine or to imprisonment for any term not exceeding two years.

(2) The same penalty shall apply to any person who, by noisy behaviour or disturbance, interferes with the public sittings of the Parliament of Denmark or of the Assembly of the Faroe Islands, of municipal or other public councils, church services or any other public church ceremonies, or who, in an indecorous manner, disturbs funerals.

§ 138

Any person who, intentionally or through gross negligence, gets drunk shall be liable to a fine or to imprisonment for any term not exceeding one year if, in that condition, he endangers the person of others or valuable property.

§ 139

(1) Any person who violates the sanctity of cemeteries or is guilty of indecorous treatment of corpses shall be liable to a fine or to imprisonment for any term not exceeding six months.

(2) The same penalty shall apply to any person who is guilty of indecorous treatment of objects belonging to any church and used for the services of the church.

§ 140

Any person who, in public, ridicules or insults the dogmas or worship of any lawfully existing religious community in this country shall be liable to a fine or to imprisonment for any term not exceeding four months.

§ 141

(1) Any person who, knowing that the committing of any of the offences against the state or against the supreme authorities of the state dealt with in Sections 98, 99, 102, 106, 109, 110, 111, 112 and 113 of this Act or of an offence endangering the life or welfare of human beings or substantial public assets is intended, does not make efforts, to the best of his ability, to prevent the offence or its consequences, if necessary by informing the public authorities, shall be liable, provided that the offence is committed or attempted, to a fine or to imprisonment for any term not exceeding three years.

(2) If the efforts to prevent the committing of any of the offences referred to in Subsection (1) above would endanger the life, health or welfare of himself or of his near relatives, the person who fails to make such efforts shall not be punished.

§ 142

Any person who fails, on request, to give assistance to any person wielding public powers with a view to averting an accident or an offence endangering the life, health or welfare of others, when such assistance might be given without danger or sacrifice of any great importance, shall be liable to a fine or to imprisonment for any term not exceeding three months.

§ 143 (Repealed).

C h a p t e r 1 6
**Offences Committed While Exercising
a Public Function**

§ 144

Any person who, while exercising a Danish, foreign or international public office or function, unlawfully receives, demands, or accepts the promise of a gift or other favour shall be liable to a fine or to imprisonment for any term not exceeding six years.

§ 145

If any person exercising a public office or function demands or accepts, for the purpose of personal gain, a fee in respect of an official function or a tax or charge not due, he shall be liable to a fine or to imprisonment for any term not exceeding six years. If, for the purpose of personal gain, he keeps such remuneration, which he received in good faith, after he has become aware of the mistake, he shall be liable to a fine or to imprisonment for any term not exceeding two years.

§ 146

- (1) If any person vested with jurisdiction or other public power to make decisions in any matter affecting the legal rights of private persons commits an injustice in deciding or examining the case, he shall be liable to imprisonment for any term not exceeding six years.
- (2) If the act is committed with the intent to impair the welfare of any person, the penalty shall be imprisonment for any term not exceeding sixteen years.

§ 147

If any person whose duty it is to enforce the punitive power of the state applies, for that purpose, unlawful means with a view to obtaining a confession or evidence, or if he undertakes any unlawful arrest, imprisonment, search or seizure, he shall be liable to a

fine or to imprisonment for any term not exceeding three years.

§ 148

If any person in whom jurisdiction or other public power to decide legal issues is vested or whose duty it is to enforce the punitive power of the state fails, intentionally or through gross negligence, to observe the procedure provided by law, as regards the examination of the case or the execution of certain juridical acts or in respect of arrest, imprisonment, search, seizure or measures of a similar nature, he shall be liable to a fine or to imprisonment for any term not exceeding four months.

§ 149

If any person responsible for the custody of a prisoner or for the carrying out of sentences allows an accused person to escape, prevents the carrying out of a sentence, or unlawfully causes a mitigation of the serving of the imposed sentence, he shall be liable to a fine or to imprisonment for any term not exceeding three years.

§ 150

If any person exercising a public office or function abuses his position to force any person to do, suffer or omit to do anything, he shall be liable to imprisonment for any term not exceeding three years.

§ 151

Any person who aids or abets a subordinate in a public office or function to commit a punishable act in this service is punished, regardless of whether the subordinate is subject to punishment or owing to ignorance or for any other reason is exonerated, pursuant to the provision that concerns the offence.

§ 152

(1) Any person who is exercising or who has exercised a public office or function, and who unlawfully forwards or exploits confidential information, which he has obtained in connection with his office or function, shall be liable to a fine or to imprisonment for any term not exceeding six months.

(2) If the offence as mentioned in Subsection (1) is committed with the intent to obtain an unlawful gain for himself or for others, or if other particularly aggravating circumstances are present, the penalty may be increased to imprisonment for any term not exceeding two years. Considered as particularly aggravating circumstances are especially instances where the forwarding or exploitation has occurred under such circumstances that it causes others serious damage or implies a distinct risk of such damage.

(3) Information is confidential when made so in an Act or by other stipulations, or when it is necessary to keep it a secret in order to protect important public or private interests.

§ 152 a

The provisions in Section 152 of this Act shall similarly apply to anyone who is or has been occupied with tasks, which are carried out according to appointment with a public authority, and to anyone who is or has been employed in telephone services authorised by the state.

§ 152 b

(1) The provisions provided in Section 152 of this Act shall similarly apply to any person who is exercising or who has exercised a trade or business by virtue of public appointment or authorisation, and who unlawfully forwards or exploits information which he has obtained in connection with his trade or business, and which is confidential in consideration of private interests.

(2) The provisions of Section 152 of this Act shall also apply to any person, who is or was employed by the Office of Statistics of the European Communities, or who is or was working on the office's premises, and who unlawfully forwards or exploits confidential statistical information, which he or she has obtained in connection with this employment.

§152c

The provisions in Sections 152-152 b of this Act shall similarly apply to any assistant of the persons in question.

§ 152 d

(1) The provisions in Sections 152-152 c of this Act shall similarly apply to any person who, without having participated in the act, unlawfully obtains or exploits information that has been obtained through the committing of such an act.

(2) The same penalty shall apply to any person who, without having participated in the act, unlawfully forwards information concerning another person's strictly private life (according to Section 28(1) of the Public Administration Act), which has been obtained through committing an act punishable according to Sections 152-152 c of this Act.

(3) The same provisions shall apply to any person, who without having participated in the act, unlawfully forwards information which is confidential because of its importance to the safety of the state or to the protection of state defence.

§-152 e

The provisions in Sections 152-152 d of this Act do not apply in cases where the person in question

- 1) was under an obligation to forward the information; or
- 2) acted in order to lawfully safeguard obvious public interests or the interest of himself or other persons.

§ 152 f

(1) Where only private interests have been offended, contravention of Sections 152-152

d of this Act is subject to private prosecution. (2.) Public prosecution may be instigated at the request of the injured party.

§§ 153-154

(Repealed).

§ 155

If any person exercising a public office or function abuses his position to violate the rights of any private person or of any public authority, he shall be liable to a fine or to imprisonment for any term not exceeding four months. Where he commits such abuse in order to obtain an unlawful privilege for himself or for others, a penalty of imprisonment for any term not exceeding two years may be imposed.

§ 156

If any person exercising a public office or function refuses or fails to fulfil any duty involved by the office or function or to comply with any lawful official order, he shall be liable to a fine or to imprisonment for any term not exceeding four months. The foregoing provision shall not apply to functions the fulfilment of which is based on public elections.

§ 157

If any person exercising a public office or function is guilty of a serious or often repeated breach of duty or carelessness in carrying out the office or the function or in the observance of the duties inherent in the office or the function, he shall be liable to a fine or to imprisonment for any term not exceeding four months. Excluded from the previous provision are duties, the performance of which relies on public elections.

Chapter 17

False Evidence and False Accusation

§ 158

- (1) Any person who gives false evidence before the court, including through the use of telecommunication, shall be liable to imprisonment for any term not exceeding four years. This provision shall similarly apply to false evidence given before a foreign court.
- (2) The same penalty shall apply to anyone who gives false evidence before the Court of Justice of the European Communities.
- (3) If the false evidence relates only to facts irrelevant to the matter to be elucidated, the penalty may be reduced to a fine.

§ 159

(1) Any person who gives false evidence when accused in public criminal procedures or while being examined in cases where he would not be legally required to give evidence shall not be liable to punishment.

(2) If false evidence is given in the course of an examination before the court where the person was entitled to refuse to give evidence, the penalty may be reduced or, in mitigating circumstances, remitted.

§ 160

If any person is guilty of gross negligence by giving incorrect evidence in circumstances that would otherwise make him liable to punishment under Section 158 or 159(2) of this Act, he shall be liable to a fine or to imprisonment for any term not exceeding four months.

§ 161

Any person who, in circumstances other than that provided for in Section 158 of this Act, gives false evidence before any public authority or for the information of such authority, on his word of honour or in a similar solemn way, where such formality is prescribed or allowed, shall be liable to a fine or to imprisonment for any term not exceeding two years.

§ 162

Any person who otherwise makes an incorrect statement before any public authority or for the information of such authority concerning matters on which he is bound to give evidence shall be liable to a fine or to imprisonment for any term not exceeding four months.

§ 163

Any person who for use in legal proceedings relating to the general public, in writing or by other readable media, brings forth false statements or testifies to something about which the person in question has no knowledge, shall be punished with a fine, or imprisonment not exceeding four months.

§ 164

(1) Any person who gives false evidence before a public authority with the intention that an innocent person thereby be charged with or convicted of, or subjected to a criminal legal consequence for a criminal act, shall be liable to imprisonment for any term not exceeding six years.

(2) Similar punishment shall apply to any person who destroys, distorts or removes evidence or furnishes false evidence with the intention that any person shall thereby be charged with, or convicted of a criminal act.

(3) Any person who commits an act of the kind referred to in Subsections (1) and (2) above with the intention that he himself or another person with that person's consent be charged with, convicted of, or subjected to a criminal legal consequence for a

criminal act, which he has not committed, shall be liable to a fine or to imprisonment for any term not exceeding one year.

(4) At the request of the injured party the sentence may prescribe that, with the aid of a public authority, one or several public papers shall publish the sentence, together with as much of the reasoning on which it is based as is deemed necessary by the court.

§ 164 a

Any person who fails to inform about circumstances that with certainty supports the innocence of a person charged with or convicted of an offence, when this could be done without the individual or people close to that individual risking life, health or welfare or prosecution for said offence, shall be liable to a fine or to imprisonment for any term not exceeding one year.

§ 165

Any person who informs a public authority of a punishable act that has not been committed, or any person who lodges false complaints with a public authority, shall be liable to a fine or to imprisonment for any term not exceeding six months.

Chapter 18 **Offences Related to Means of Payment**

§ 166

Any person who counterfeits or debases money with a view to putting it into circulation as legal tender or who, for the same purpose, procures, to himself or to others, money that is counterfeit or debased, shall be liable to imprisonment for any term not exceeding 12 years.

§ 167

The putting into circulation of counterfeit or debased money shall be punishable by the same penalties as apply to counterfeiting or forgery. If the person putting the money into circulation received it in good faith, the penalty may be reduced to a fine.

§ 168

Any person who puts into circulation money that he suspects of being counterfeit or debased shall be liable to a fine or to imprisonment for any term not exceeding three years. If the person putting the money into circulation has received it in good faith the penalty may be remitted.

§ 169

Any person who fabricates, imports or puts into circulation objects which, by their form or appearance, bear a striking outward likeness to money or to any security intended for general circulation shall be liable to a fine.

§ 169 a

- (1) Any person who unlawfully produces, procures or puts into circulation forged electronic money with the intention that it is used as genuine, shall be liable to a fine or imprisonment for any term not exceeding one year and six months.
- (2) Considered as forged electronic money are means that, without being genuine electronic money, are suited to be used as such.
- (3) In particularly aggravating circumstances, including, in particular, due to the manner, in which the act is carried out, or due to the size of the sum of money, the penalty may be increased to imprisonment for any term not exceeding six years.

§ 170

Any person who unlawfully fabricates, imports or puts into circulation bills payable to bearer and appearing to be intended to be used as legal tender in a small or wide circulation, or which may be expected to be used in such manner, shall be liable to a fine or to imprisonment for any term not exceeding three months. This provision shall not apply to foreign banknotes.

Chapter 19
Offences in Respect of Evidence

§ 171

- (1) Any person who, with intent to deceive in any matter involving legal consequences, makes use of a false document shall be guilty of forgery of documents.
- (2) A document is a written or electronic manifestation bearing the name of the issuer and appearing to be intended to serve as evidence.
- (3) A document is false if it does not emanate from the issuer indicated by it or if anything has been added to or altered in it by anyone other than the issuer.

§ 172

- (1) The penalty applicable to forgery of documents shall be a fine or imprisonment for any term not exceeding two years.
- (2) If a forgery of documents is of particularly serious nature, or if a large number of offences have been committed, the penalty may be increased to imprisonment for any term not exceeding six years.

§ 173

Any person who, with intent to deceive in any matter involving legal consequences, makes use of a document carrying the authentic signature where, by deceit, the signature has been obtained on a different document or on a document having a wording other than that intended by the signatory, shall be liable to the penalty prescribed in Section 172 of this Act.

§ 174

Any person who in any matter involving legal consequences makes use of an authentic document as relating to a person other than the one to whom it actually relates, or in any other way contrary to the purpose intended by the document, shall be liable to a fine or to imprisonment for any term not exceeding six months.

§ 175

(1) Any person who, with intent to deceive in any matter involving legal consequences, in a public document or book or in a private document or book which, by law or in pursuance of a special obligation, the individual is required to issue or keep, or in a medical, dental, midwife or veterinarian report gives an incorrect statement on any matter of which the statement shall serve as evidence, shall be liable to a fine or to imprisonment for any term not exceeding three years.

(2) The same penalty shall apply to any person who in any matter involving legal consequences makes use of such document or book as representing the truth. .

(3) The provisions in Subsections (1) and (2) above similarly apply when the document or the book is issued or kept on other readable medium.

§ 176

(1) Any person who, with intent to deceive in commerce, makes use of articles which unlawfully have been provided with an official trade-mark or any other mark intended to guarantee the authenticity, the nature, the quality or the quantity of the article, shall be liable to a fine or to imprisonment for any term not exceeding three years.

(2) Any person who similarly makes use of articles unlawfully provided with a private stamp or other mark or description intended to assert a fact relating to the article and being of importance to commerce shall be liable to a fine or to imprisonment for any term not exceeding one year.

(3) Any person who in the same manner makes use of articles on which any lawfully affixed stamp or other mark or description has been distorted or removed shall be liable to the penalty prescribed in Subsection (2) above.

§ 177

(1) Any person who makes use of counterfeit or forged stamped paper, stamps or other marks used for the payment of public taxes and duties, or postage stamps, shall be liable to imprisonment for any term not exceeding eight years. A proportionally less severe penalty shall apply to any person who makes use of paper or stamps already used and on which the sign indicating the previous use has been removed.

(2) The provision in Section 169 of this Act shall similarly apply to stamps, postage stamps and similar means of discharge.

§ 178

Any person who, with intent to deprive any other person of a right, destroys, removes or makes ineffective, in whole or in part, any evidence capable of being used as such

in any matter involving legal consequences shall be liable to a fine or to imprisonment for any term not exceeding two years.

§ 179

Any person who, with intent to deceive, in respect of boundaries of a piece of land or in respect of territorial rights or rights relating to watercourses or areas covered by water, puts up a false boundary-stone or other mark of delimitation, or moves, or removes, distorts or destroys such indication, shall be liable to a fine or to imprisonment for any term not exceeding three years.

Chapter 20
Offences Causing Danger to the Public

§ 180

Any person who sets fire to his own or another person's property under such circumstances that he must realize that the lives of others are thereby exposed to imminent danger, or for the purpose of causing extensive damage to the property of others or to incite sedition, looting or any other similar disturbance of public order, shall be liable to imprisonment for any term up to life imprisonment.

§ 181

(1) If, otherwise, any person causes fire to be started on the property of others, he shall be liable to imprisonment for any term not exceeding six years.

(2) The same penalty shall apply to any person who, with intent to defraud any fire insurance company, to violate the rights of mortgagees or with any similarly unlawful intention, causes fire to be started on his own property or on the property of some other person with the owner's consent.

(3) In particularly aggravating circumstances the penalty may be increased to imprisonment for any term not exceeding ten years.

§ 182

Any person who through negligence causes fire to be started on the property of others or to the prejudice of the pecuniary interests of others shall be liable to a fine or to imprisonment for any term not exceeding two years.

§ 183

(1) Any person who with the intention of putting another person or this person's property at risk by causing explosion, by spreading noxious gases, by floods, shipwreck or any railway or other traffic accident shall be liable to imprisonment for any term not exceeding twelve years.

(2) If such an act has been committed under the circumstances indicated in Section 180 of this Act, the penalty shall be imprisonment for any term up to life imprisonment.

(3) If the act has been committed through negligence, the penalty shall be a fine or imprisonment for any term not exceeding two years.

§ 183 a

Any person who, by unlawful coercion of the kind described in Section 260 of this Act, takes control over an aircraft, ship or other public means of transport or means of freight transport, or interferes with its manoeuvring, shall be liable to imprisonment for any term extending to life imprisonment.

§ 184

(1) Any person who, without being liable to punishment under Section 183 or 183 a of this Act, impairs the safe operation of railways, ships, motor vehicles or similar means of transport, or who impairs the safety of traffic on public roads, shall be liable to a fine or to imprisonment for any term not exceeding two years or in particularly aggravating circumstances to imprisonment for any term not exceeding six years.

(2) If the act has been committed through negligence, the penalty shall be a fine or imprisonment for any term not exceeding four months.

§ 185

Any person who, though he could do so without particular danger or sacrifice to himself or others, fails to the best of his ability, by notification made in due time or in any other way appropriate in the circumstances, to avert a fire, explosion, the spreading of noxious gases, floods, damage to ships, railway accidents or similar accidents involving danger to human lives, shall be liable to a fine or to imprisonment for any term not exceeding two years.

§ 186

(1) Any person who endangers the life or health of others by bringing about a general shortage of drinking water or by adding injurious substances to reservoirs, water mains or watercourses shall be liable to imprisonment for any term not exceeding ten years.

(2) If such an act was committed through negligence, the penalty shall be a fine or imprisonment for any term not exceeding one year.

§ 187

(1) Any person

- 1) who adds poison, or other substances to products intended for sale or general use, so as to endanger the health of others when the product is used for the purpose for which it is designed; or
- 2) who, when such products have been tainted to such an extent as to make their consumption or use as designed injurious to health, subjects them to a process likely to conceal their tainted condition; or

3) who, while concealing his interference with them, offers for sale or otherwise tries to spread products, which have been treated as mentioned in paras. 1) and 2) above;

shall be liable to imprisonment for any term not exceeding ten years.

(2) If such an act has been committed through negligence, the penalty shall be a fine or imprisonment for any term not exceeding one year.

§ 188

(1) Any person who, without being liable to punishment under No. 3) of Section 187 of this Act, offers for sale or otherwise tries to circulate, while concealing the injurious nature of the substance,

1) foodstuffs or stimulants injurious to health because of corruption, defective preparation, mode of conservation or for similar reasons;

2) articles for everyday use that endanger the health of others when used in the customary way;

shall be liable to a fine or to imprisonment for any term not exceeding six years.

(2) If such an act has been committed through negligence, the penalty shall be a fine or imprisonment for any term not exceeding four months.

§ 189

(1) Any person who offers for sale or otherwise tries to circulate as drugs or preventive remedies against diseases products which he knows to be unsuitable for the purpose indicated and, if used for that purpose, to be likely to endanger the life or health of others shall be liable to a fine or to imprisonment for any term not exceeding six years.

(2) If such an act has been committed through negligence, the penalty shall be a fine or imprisonment for any term not exceeding four months.

§ 190

If, under conditions corresponding to those indicated in Sections 186-189 of this Act, only the life or health of domestic animals is endangered, the penalty shall be a fine or imprisonment for any term not exceeding six years.

§ 191

(1) Any person who, in contravention of the legislation on euphoriant drugs, supplies such drugs to a considerable number of persons, or in return for a large payment, or in any other particularly aggravating circumstances, shall be liable to imprisonment for any term not exceeding ten years. If the supply relates to a considerable quantity of a particularly dangerous or harmful drug, or if the transfer of such a drug has otherwise been of a particularly dangerous character, the penalty may be increased to imprisonment for any term not exceeding sixteen years.

(2) Similar punishment shall apply to any person who, in contravention of the legislation on euphoriant drugs, imports, exports, buys, distributes, receives, produces, manufactures or possesses such drugs with intention to supply them as mentioned in Subsection (1) above.

§ 191 a

(Repealed).

§ 192

(1) Any person who, by a contravention of the provisions laid down by law or in pursuance of a law for preventing or combatting a contagious disease, brings about danger that such a disease will reach or spread among the public shall be liable to imprisonment for any term not exceeding three years.

(2) If the disease is of such a nature that, under the law, it shall be liable to public treatment or at the time of the committing of the act it is in fact being so treated, or if special measures have been taken against its introduction into the state, the penalty shall be imprisonment for any term not exceeding six years.

(3) Any person who in such manner brings about danger that a contagious disease will reach or spread among domestic animals or cultivated or other profitable plants shall be liable to a fine or to imprisonment for any term not exceeding two years.

(4) If such an act has been committed through negligence, the penalty shall be a fine or, in aggravating circumstances, imprisonment for any term not exceeding six months.

§ 192 a

(1) Any person who, in contravention of the legislation on weapons and explosives, imports, produces, owns, carries, uses, or transfers weapons or explosives which because of their highly dangerous character are suitable in causing significant damage, shall be liable to imprisonment for any term not exceeding six years.

(2) Similar punishment shall apply to any person who, in contravention of the legislation on weapons and explosives develops or for the purpose hereof carries out research in solids, liquids or gasses, which by diffusion have harmful, anesthetizing or irritating effects.

Chapter 21

Various Acts Causing Public Damage

§ 193

(1) Any person who, in an unlawful manner, causes major disturbances in the operation of public means of transportation, of the public mail services, of publicly used telegraph or telephone services, of radio and television installations, of information systems or of installations for the public supply of water, gas, electricity or heating shall be liable to a fine or to imprisonment for any term not exceeding six years.

(2) If such an act has been committed through gross negligence, the penalty shall be a fine or imprisonment for any term not exceeding six months.

§194

Any person who removes, ruins or damages public monuments or other objects of public utility or ornament or belonging to public collections or subject to public conservation shall be liable to a fine or to imprisonment for any term not exceeding three years.

§ 195

Any person who offers for sale foodstuffs which he knows to be falsely constituted or adulterated without their special nature being indicated unambiguously on the article itself or on its label or packaging as well as on the invoice, where such a document has been made out, shall be liable to a fine or to imprisonment for any term not exceeding three months.

§ 196

Any person who, in contravention of the Act on the Environment

- 1) pollutes air, water, soil or underground thereby causing significant damage or immediate danger of damage to the environment; or
- 2) stores or removes wastes or similar substances thereby causing significant damage or immediate danger of damage to the environment,

shall be liable to imprisonment for any term not exceeding four years.

Chapter 22

Begging and Commercialised Vice

§ 197

Any person who, in spite of police warnings, is guilty of begging or who permits any person belonging to his household and being under the age of 18 to engage in begging shall be liable to imprisonment for any term not exceeding six months. In mitigating circumstances the punishment may be remitted. A warning under this provision shall be valid for five years.

§§ 198-202

(Repealed).

§ 203

(1) Any person who makes his living by gambling or betting of a similar nature not permitted under special regulations, or by promoting such gambling, shall be liable to a fine or to imprisonment for any term not exceeding one year.

(2) The Court shall decide whether the profit gained shall be confiscated or repaid.

§ 204

(1) Any person who, in a public place, provides accommodation or makes arrangements for non-authorized gambling activities shall be liable to a fine or to imprisonment for any term not exceeding six months.

(2) Equivalent to a public place shall be deemed the premises of an association, where any person whatsoever or any person belonging to a particular social class is, as a general rule, eligible for membership of that association, or if non-authorized gambling is one of the purposes of such association, or if a special subscription is paid for participation in the gambling.

(3) Any person who takes part in non-authorized gambling in a public place shall be liable to a fine.

§§ 205-207

(Repealed).

Chapter 23
Offences against Family Relationships

§ 208

(1) Any married person or person in a registered partnership who purports to contract a marriage or a registered partnership shall be liable to imprisonment for any term not exceeding three years or, if the other person was at the time ignorant of the existing marriage or registered partnership, to imprisonment for any term not exceeding six years.

(2) If the act has been committed through gross negligence, the penalty shall be imprisonment for any term not exceeding one year.

(3) Any person who is neither married nor in registered partnership who purports to contract a marriage or a registered partnership with any married person or any person being in a registered partnership shall be liable to imprisonment for any term not exceeding one year.

(4) It shall be considered a mitigating circumstance in respect of the married person or the person in a registered partnership, if the purported marriage or registered partnership is not voidable. Under the same condition the penalty for the person, who is neither married nor in a registered partnership, may be remitted.

§ 209

(Repealed).

§ 210

(1) Any person who has sexual intercourse with a relative below him in lineal descent shall be liable to imprisonment for any term not exceeding six years.

(2) Any person who has sexual intercourse with a brother or a sister shall be liable to imprisonment for any term not exceeding two years. The penalty may be remitted in the case of a person who has not reached the age of 18.

(3) The provisions in Subsections (1) and (2) above shall similarly apply in the case of sexual relations between two persons of the same sex, and in the case of sexual relations other than intercourse.

§§ 211-212

(Repealed).

§ 213

Any person who, by neglect or degrading treatment, insults his spouse, his child or any of his dependents under the age of 18 or any person to whom he is related by blood or marriage in lineal descent, or who by deliberately evading his duties to maintain or contribute to the maintenance of any such persons, exposes them to distress, shall be liable to imprisonment for any term not exceeding two years.

§ 214

(Repealed).

§215

(1) Any person who removes some other person under the age of 18 from the authority or care of his parents or other authorized person, or assists him to evade such authority or care, shall be punishable under the provisions contained in Section 261 of this Act.

(2) Any person who illegally brings the child out of the country shall be punishable in the same manner.

Chapter 24
Sexual Offences

§ 216

(1) Any person, who enforces sexual intercourse by violence or under threat of violence, shall be guilty of rape and liable to imprisonment for any term not exceeding eight years. The placing of a person in such a position that that person is unable to resist the act shall be equivalent to violence.

(2) If the rape has been of a particularly dangerous nature, or in particularly aggravating circumstances, the penalty may be increased to imprisonment for any term not exceeding 12 years.

§ 217

Any person who by other unlawful coercion (according to Section 260 of this Act) than violence or threat of violence, procures for himself sexual intercourse, shall be liable to imprisonment for any term not exceeding four years.

§ 218

(1) Any person who, by exploitation of another person's mental illness or mental deficiency, procures for himself extra-marital sexual intercourse with that person shall be liable to imprisonment for any term not exceeding four years.

(2) Any person who procures for himself extra-marital intercourse with a person who is in a position of being unable to resist the act shall be liable to imprisonment for any term not exceeding four years, unless the act is covered by the provisions of Section 216 of this Act.

§ 219

Any person who is employed in or in charge of any prison, rehabilitation centre, children's or young person's home, hospital for treatment of mental disorders, institution for the mentally deficient or any other similar institution, and who has sexual intercourse with any person who is an inmate of the same institution shall be liable to imprisonment for any term not exceeding four years.

§ 220

Any person who, by grave abuse of the subordinate position or financial dependence of another person, has extra-marital intercourse with that person shall be liable to imprisonment for any term not exceeding one year or, where the person is under 21 years of age, to imprisonment for any term not exceeding three years.

§ 221

Any person who, by a trick, has sexual intercourse with any other person who wrongly believes to be married to the former, or mistakes the perpetrator for some other person shall be liable to imprisonment for any term not exceeding six years.

§ 222

(1) Any person who has sexual intercourse with a child under the age of 15 shall be liable to imprisonment for any term not exceeding eight years.

(2) If the child is under the age of 12, or if the perpetrator has enforced the sexual intercourse by coercion or by intimidation, the penalty may be increased to imprisonment for any term not exceeding 12 years.

§ 223

(1) Any person who has sexual intercourse with a person under the age of 18 who is his adopted child, step-child or foster child, or who has been entrusted to him for instruction or education, shall be liable to imprisonment for any term not exceeding four years.

(2) The same penalty shall apply to any person who, by gravely abusing superior age or experience, induces any person under the age of 18 to sexual intercourse.

§ 223 a

Any person who, as a client, for a payment or a promise of a payment has intercourse with a person under the age of 18, shall be liable to a fine or imprisonment for any term not exceeding two years.

§ 224

The provisions in Sections 216-223 a of this Act shall similarly apply in connection with sexual relations other than sexual intercourse.

§ 225

The provisions in Sections 216-220 and Sections 222-223 a shall similarly apply in connection with sexual relations with a person of the same sex.

§ 226

If, in the circumstances provided for in the foregoing, the punishable nature of the act depends on any abnormal mental or physical condition of the violated person or on the age of that person, the perpetrator has acted without knowledge of such condition or age of the person concerned and if, for that reason, the act is not imputable to him as intentional, the penalty to be imposed, if he has acted negligently, shall be proportionally reduced.

§ 227

The punishment pursuant to Sections 216-226 of this Act may be reduced or remitted if the persons, between whom the sexual relations have taken place, have since married each other or registered their partnership.

§ 228

(1) Any person who

- 1) induces another to seek a profit by sexual immorality with others; or
 - 2) for the purpose of gain, induces another to indulge in sexual immorality with others or prevents another who engages in sexual immorality as a profession from giving it up; or
 - 3) keeps a brothel;
- shall be guilty of procuring and liable to imprisonment for any term not exceeding four years.

(2) The same penalty shall apply to any person who aids or abets a person under the age of 21 to engage in sexual immorality as a profession, or to any person who partakes in conveying some other person out of the country in order that the latter shall engage in sexual immorality as a profession abroad or shall be used for such immorality, where that person is under the age of 21 or is, at the time, ignorant of the purpose.

§ 229

(1) Any person who, for the purpose of gain or in frequently repeated cases, promotes sexual immorality by acting as an intermediary, or who derives profit from the activities of any person engaging in sexual immorality as a profession, shall be liable to imprisonment for any term not exceeding three years or, in mitigating circumstances, to a fine.

(2) Any person who lets out a room in a hotel or inn for the carrying on of prostitution as a profession shall be liable to imprisonment for any term not exceeding one year or, in mitigating circumstances, to a fine.

§ 230

Any person, who records obscene photographs, films or similar of a person under the age of 18 with the intention to sell or otherwise disseminate the material, shall be liable to a fine or imprisonment for any term not exceeding two years or in particularly aggravating circumstances to imprisonment for any term not exceeding six years. Considered as particularly aggravating circumstances are especially instances where the life of the child is endangered, where gross violence is used, where the child is caused serious harm, or instances of recordings of a more systematic or organised nature. Section 226 of this Act similarly applies.

§ 231

If any person prosecuted under the provisions of Section 228 or 229 of this Act has previously been convicted of any of the offences dealt with in these provisions, or if he has been sentenced to imprisonment in respect of an acquisitive offence, the penalty may exceed the most severe penalty prescribed for any of the offences by up to one half. § 232

Any person who by obscene behaviour violates public decency or gives public offence shall be liable to a fine or to imprisonment for any term not exceeding four years.

§ 233

Any person who incites or invites other persons to immorality or exhibits an immoral mode of life in a manner, which is likely to annoy others or arouse public offence, shall be liable to a fine or to imprisonment for any term not exceeding one year.

§ 234

Any person who sells obscene pictures or objects to a person under the age of 16 shall be liable to a fine.

§235

(1) Any person, who disseminates obscene photographs or films, other obscene visual reproductions or similar of persons under the age of 18, shall be liable to a fine or to imprisonment for any term not exceeding two years or in particularly aggravating circumstances to imprisonment for any term not exceeding six years. Considered as particularly aggravating circumstances are especially instances where the life of the child is endangered, where gross violence is used, where the child is caused serious harm, or instances of disseminations of a more systematic or organised nature.

(2) Any person, who possesses or for a payment becomes acquainted with obscene photographs or films, other obscene visual reproductions or similar of persons under the age of 18, shall be liable to a fine or to imprisonment for any term not exceeding one year.

(3) The provision in Subsection (2) does not include possession of obscene pictures of a person who has reached the age of 15, if the person has consented to the possession.

§ 236

(1) Where any person is convicted under Section 216, 217, 218(1), 222 or 223(2) or under Section 224, 225 or 226 (in combination with any of the provisions already mentioned) or under Section 232 of this Act, he may be ordered by the court not to appear in public parks or gardens, on commons, in the neighbourhood of schools, recreation grounds, children's homes, mental hospitals or institutions for the mentally deficient, or in particular woods or at particular bathing establishments or seaside resorts.

(2) Besides, any person who is convicted under the Sections referred to in Subsection (1) above or under Section 228 or 229 of this Act may be forbidden by the court to allow children under the age of 18 to live in their house or, without the permission of the police, to stay themselves with persons who live together with children under the said age. Such order shall not apply to children who are dependents of the convicted person.

(3) Upon the expiration of three years from the penalty being served, the convicted person may raise the question of annulment of an order laid down by a court in accordance with Subsections (1) and (2) above. The application shall be made through the prosecuting authority, which must bring the question before the court as soon as possible. Section 59(2) of this Act shall similarly apply here, and the decision shall be made by Court Order. If the application is unsuccessful, the convicted person may not bring a fresh application within three years of the pronouncement of the court's decision. In special circumstances, the Minister of Justice may allow an application before the court to occur before the expiry of this period.

(4) Any contravention of the orders made under Subsection (1) or (2) above shall be punished with imprisonment for any term not exceeding four months.

Offences of Violence against the Person

§ 237

Any person who kills another person shall be guilty of homicide and liable to imprisonment for any term ranging from five years to life imprisonment.

§ 238

(1) If a mother kills her child in the course of or immediately after childbirth, and if she is shown to have acted while in distress, from fear of disgrace or while suffering from consequent weakness, confusion or panic caused by the childbirth, she shall be liable to imprisonment for any term not exceeding four years.

(2) If the crime has only been attempted without injury to the child, the penalty may be remitted.

§ 239

Any person who kills another person at the explicit request of the latter shall be liable to imprisonment for any term not exceeding three years.

§ 240

Any person who assists another person in committing suicide shall be liable to a fine or to imprisonment for any term not exceeding three years.

§ 241

Any person who negligently causes the death of another person shall be liable to a fine or imprisonment not exceeding four months or, in particularly aggravating circumstances, to imprisonment for any term not exceeding eight years. If the offence has been committed in connection with driving under the influence of alcohol or particularly reckless driving it shall be considered a particularly aggravating circumstance.

§ 244

Any person who commits an act of violence against, or otherwise attacks the person of others, shall be liable to a fine or to imprisonment for any term not exceeding three years.

§§ 242-243 § 245

- (1) Any person who commits an assault of a particularly heinous or brutal or dangerous character or who is guilty of cruelty shall be liable to imprisonment for any term not exceeding six years. If such an assault has caused significant damage to another person, or to the health of another person, it shall be considered a particularly aggravating circumstance.
- (2) Any person who, in circumstances other than those covered by Subsection (1) above causes damage to another person or to the health of another person shall be liable to imprisonment for any term not exceeding six years.

§ 245 a

Any person who, by committing an act of violence, with or without consent, excises or in other way removes, in part or completely, female external sex organs shall be liable to imprisonment for any term not exceeding six years.

§ 246

If an assault as indicated in Section 245 or Section 245 a of this Act has been of such a gross character or has caused such serious consequences that the circumstances are particularly aggravating, the penalty may be increased to imprisonment for any term not exceeding ten years.

§ 247

- (1) Where any person convicted under Sections 244-246 of this Act has previously been sentenced for intentional assault or for any offence associated with intentional violence, the penalty may be increased by not more than one-half.

(2) The same penalty shall apply when offences described in Sections 244-246 are committed against a person, who by nature of his work is particularly exposed to violence.

§ 248

Where blows have been inflicted in a brawl or where the person assaulted has returned such assault, the penalty may under particularly mitigating circumstances be remitted.

§ 249

Any person who negligently inflicts serious harm on the person or health of others shall be liable to a fine or to imprisonment for any term not exceeding four months or under particularly aggravating circumstances to imprisonment for any term not exceeding eight years. If the offence has been committed in connection with driving under the influence of alcohol or particularly reckless driving it shall be considered a particularly aggravating circumstance.

§ 250

Any person who reduces some other person to a helpless condition or abandons, in such a condition, any person entrusted to his care, shall be liable to imprisonment for any term not exceeding eight years.

§ 251

Any woman who, at the time of her childbirth, exposes her child to serious danger in an unwarrantable manner shall be liable to a fine or to imprisonment for any term not exceeding one year.

§ 252

(1) Any person who, for the purpose of gain, or who purely wantonly or in any similar reckless manner, exposes the life or physical ability of others to impending danger shall be liable to imprisonment for any term not exceeding eight years.

(2) The same penalty shall apply to any person who wantonly brings about danger that someone be infected with a fatal and incurable disease.

(3) Following negotiations with the Minister of Public Health, the Minister of Justice shall lay down which diseases meet the criteria of Subsection (2).

§ 253

Any person who, though he could do without particular danger or sacrifice to himself or others, fails

- 1) to the best of his ability to help any person who is in evident danger of his life; or
- 2) to take such action as is required by the circumstances to rescue any person who seems to be lifeless, or as is ordered for the care of persons who are victims of a shipwreck or any other similar accident; shall be liable to a fine or to imprisonment for any term not exceeding two years.

§ 254

Any person who, intentionally or through negligence, leaves dangerous weapons in the hands of a child under 15 or of an insane, mentally deficient or intoxicated person, shall be liable to a fine or to imprisonment for any term not exceeding three months.

§§ 255-259 (Repealed).

Chapter 26

Offences against Personal Liberty

§ 260

Any person who

- 1) by violence or under threat of violence, of substantial damage to property, of the deprivation of liberty or of a false accusation of having committed a punishable act or dishonourable conduct or of revealing matters appertaining to someone's private affairs, forces any person to do, suffer or omit to do anything; or who
- 2) under threat of denouncing or revealing a punishable act or of making true accusations of dishonourable conduct, forces any person to do, suffer or omit to do anything, provided such coercion is not deemed to be duly justified by virtue of the circumstances to which the threat relates;

shall be guilty of unlawful coercion and liable to a fine or to imprisonment for any term not exceeding two years.

§ 261

(1) Any person who deprives another person of liberty shall be liable to a fine or to imprisonment for any term not exceeding four years.

(2) If the deprivation of liberty has been effected for the purpose of gain or if it has been of long duration or if it consisted of any person being unlawfully kept in custody as insane or mentally deficient or being enlisted for foreign military service or being taken into captivity or any other state of dependence in any foreign country, the penalty shall be imprisonment for any term not exceeding 12 years.

(3) Any person who, through gross negligence, brings about a deprivation of liberty of the nature referred to in Subsection (2) above, shall be liable to a fine or to imprisonment for any term not exceeding six months.

§ 262 a

(1) Any person who recruits, transports, transfers, houses or subsequently receives a person, using or following the use of

- 1) unlawful coercion pursuant to Section 260 of this Act;
- 2) deprivation of liberty pursuant to Section 261 of this Act;
- 3) threats pursuant to Section 266 of this Act;
- 4) unlawful induction, corroboration or exploitation of a delusion; or
- 5) other unseemly conduct;

for the purpose of exploitation of the individual through sexual immorality, forced labour, slavery or slavery-like conditions, or removal of organs, shall be guilty of trading in human beings and liable to imprisonment for any term not exceeding eight years.

(2) The same penalty shall apply to any person who, for the purpose of exploitation of the individual through sexual immorality, forced labour, slavery or slavery-like conditions, or removal of organs,

- 1) recruits, transports, transfers, houses or subsequently receives a person under the age of 18 years, or
- 2) renders a payment or other favour to obtain consent to the exploitation from an individual who has guardianship over the victim, and any person who receives such payment or other favour.

C h a p t e r 27 Offences against Personal Honour and Certain Individual Rights

§ 263

(1) Any person who unlawfully

- 1) deprives someone of or opens his letter, telegram or other sealed communication or note, or acquaints himself with its contents; or
- 2) obtains access to the places where other persons keep their personal belongings; or
- 3) with the aid of equipment, secretly listens to or records statements made in private, telephone conversations or other conversations between others or negotiations in a closed-meeting in which he is not himself taking part or to which he has unlawfully obtained access;

shall be liable to a fine or to imprisonment for any term not exceeding six months.

(2) Any person who unlawfully obtains access to another person's information or programmes designated for use in an information system shall be liable to a fine or to imprisonment for any term not exceeding one year and six months.

(3) If the acts mentioned in Subsections (1) and (2) above are committed with the intent to procure or make oneself acquainted with information about trade secrets of a firm, or in other particularly aggravating circumstances, the penalty may be increased to imprisonment for any term not exceeding six years. This penalty also applies to the acts described in Subsection (2) above in the case of offences of a more systematic or organised nature.

§ 263 a

(1) Any person who, in an unlawful manner, commercially sells or widely disseminates a password or other means of access to an information system, which is not accessible to the public and to which access is secured by a password or other special access restrictions, shall be liable to a fine or to imprisonment for any term not exceeding one year and six months.

(2) Similar punishment shall apply to any person who unlawfully passes on a greater number of passwords or other means of access as mentioned in Subsection (1) above.

(3) Similar punishment shall apply to any person who unlawfully obtains or passes on a password or other means of access as mentioned in Subsection (1) above to

1) an information system of national importance, cf. Section 193 of this Act; or

2) an information system, which handles sensitive information of the kind included under Section 711) or Section 8(L) of the Law concerning Handling of Personal Information, about several people's personal circumstances.

(4) If the passing on etc., as mentioned in Subsections (1)-(3) above, takes place under particularly aggravating circumstances, the penalty shall be imprisonment for any term not exceeding six years. Considered as particularly aggravating circumstances are especially instances where the passing on etc. has occurred to a particularly great extent or implies a distinct risk of considerable damage.

§ 264

(1) Any person who unlawfully

1) obtains access to another person's house or any other place not freely accessible; or

2) fails to leave another person's land, having been requested to do so,

shall be liable to a fine or to imprisonment for any term not exceeding six months.

(2) If an act of the kind described in No. 1) of Subsection (1) above is committed with the intention of procuring or making oneself acquainted with information about trade secrets of a firm, or in other particularly aggravating circumstances, the penalty may be increased to imprisonment for any term not exceeding six years. Considered as particularly aggravating circumstances are especially instances where the act has occurred under such circumstances that it causes others serious damage or implies a distinct risk of such damage.

§ 264 a

Any person who unlawfully photographs persons who are not in a place open to the public shall be liable to a fine or to imprisonment for any term not exceeding six months. The same shall apply to any person who, with the aid of a telescope or other equipment, unlawfully watches such persons.

§ 264 b

(Repealed).

§ 264 c

The penal provisions contained in Sections 263, 264 and 264 a of this Act shall similarly apply to any person who, without having participated in the act in question, obtains or unlawfully exploits information which has been brought to light by the offence.

§ 264 d

Any person who unlawfully forwards information or pictures concerning another person's private life or other pictures of the person in question in circumstances which can obviously be expected to be withheld from the public shall be liable to a fine or to imprisonment for any term not exceeding six months. The provision shall similarly apply where the information or picture concern a deceased person.

§ 265

Any person who violates the peace of some other person by intruding on him, pursuing him with letters or inconveniencing him in any other similar way, despite warnings by the police, shall be liable to a fine or to imprisonment for any term not exceeding two years. A warning under this provision shall be valid for five years.

§ 266

Any person who, in a manner likely to induce in some other person serious fear concerning the life, health or welfare of himself or of others, threatens to commit a punishable act, shall be liable to a fine or to imprisonment for any term not exceeding two years.

§ 266 a

Any person who, in circumstances other than those covered by Section 136 or 266 of this Act, makes public statements aimed at provoking acts of violence or destruction shall be liable to a fine or to imprisonment for any term not exceeding one year.

§ 266 b

(1) Any person "who, publicly or with the intention of wider dissemination, makes a statement or imparts other information by which a group of people are threatened, insulted or degraded on account of their race, colour, national or ethnic origin, religion, or sexual inclination shall be liable to a fine or to imprisonment for any term not exceeding two years.

(2) In determining the punishment it shall be considered a particularly aggravating circumstance if the conduct is of a propagandistic nature.

§266c

Any person who, subsequent to the quashed decision of a case, continues to make such frequent and baseless allegations against the same person as to amount to persecution shall be liable, if the information is likely to prejudice the person concerned in public opinion, to a fine or to imprisonment for any term not exceeding four months.

§ 267

Any person who violates the personal honour of another b^y offensive words or conduct or b^y making or spreading allegations of

an act likely to disparage him in the esteem of his fellow citizens, shall be liable to a fine or to imprisonment for any term not exceeding four months.

§ 267 a

(Repealed).

§ 268

If an allegation has been maliciously made or disseminated, or if the issuer has had no reasonable ground to regard it as true, he shall be guilty of defamation and the punishment mentioned in Section 267 of this Act may then be increased to imprisonment for any term not exceeding two years.

§ 269

(1) An allegation shall not be punishable if its truth has been established or if the issuer of the allegation in good faith has been under an obligation to speak or has acted in lawful protection of obvious public interest or of the personal interest of himself or of others.

(2) Punishment may be remitted where evidence is produced which justifies the *grounds* for regarding the allegation as true.

§ 270

(1) Where the form in which the allegation is made is unduly offensive, the penalty prescribed in Section 267 of this Act may be inflicted, even where the allegation is true; the same shall apply if the issuer had no reasonable grounds for making the insult.

(2) If the injured party demands punishment only under this section, the offender shall not be allowed to prove the truth of the accusation, unless this is clearly justified by considerations to the public interest.

§ 271

(1) In the case of an allegation of a punishable act, the person who made the allegation shall not be allowed to prove the committing of such an act if the accused has already been acquitted of it at home or abroad.

(2) Proof of conviction of a punishable act shall not exempt the issuer of the allegation from punishment if, having regard to the nature of the offence, the time it was committed and other circumstances, the person convicted of it had a reasonable claim that the act in question should not now have been revealed.

§ 272

The penalty prescribed in Section 267 of this Act may be remitted if the act has been provoked by improper behaviour on the part of the injured person or if he is guilty of retaliation.

§ 273

- (1) If a defamatory allegation is unjustified, a statement to that effect shall, at the request of the injured party, be included in the sentence.
- (2) Any person who is found guilty of any defamatory allegation may, at the request of the injured party, be ordered to pay a sum fixed by the court to meet the cost of publishing, in one or several public papers, either the full report of the sentence or this together with the court's reasoning. This shall apply even though the judgment was merely one of annulment of the allegation under Subsection (1) above.

§ 274

- (1) Any person who makes or spreads utterances that violate the honour of a deceased person shall be liable to a fine or, in the case of defamation, to imprisonment for any term not exceeding four months.
- (2) Defamatory utterances made against any person more than 20 years after his death shall be liable to prosecution only when the conditions described in Section 268 of this Act are present.

§ 275

- (1) The offences contained in this chapter shall be liable to private prosecution, except for the offences referred to in Sections 266, 266 J, and 266 b.
- (2) In the cases referred to in Sections 263-265 of this Act, public prosecution shall be possible at the request of the injured party. The same shall apply when any person who is exercising, or at the time in question was exercising, a public office or function is accused of an act that may entail, or might have entailed the forfeiture of the office or function, and when an accusation is made in an anonymous letter or in a letter signed with a false or fictitious name.

§ 275 a

(Repealed).

Chapter 28
Property Offences

§ 276

Any person who, without the consent of the possessor, carries away any tangible object for the purpose of obtaining for himself or for others an unlawful gain by its appropriation shall be guilty of theft. For the purpose of this and the following sections, any quantity of energy that is produced, conserved or utilized for the production of light, heat, power or motion or for any other financial purpose shall be recognized as equivalent to a tangible object.

§ 277

Any person who, for the purpose of obtaining for himself or for others an unlawful gain, appropriates any tangible object which is not in the custody of any person or which has come into the hands of the perpetrator through carelessness on the part of the owner or in any similar accidental way shall be guilty of misappropriation of lost property.

§ 278

(1) Any person who, for the purpose of obtaining for himself or for others an unlawful gain,

- 1) appropriates any tangible object belonging to any other person and which is in his custody, in circumstances other than those covered by Section 277 of this Act; or
- 2) refuses to acknowledge receipt of a pecuniary or any other loan, or of a service for which remuneration shall be paid;
- 3) unlawfully spends money that has been entrusted to him, even if he was not under an obligation to keep it separate from his own funds;

shall be guilty of embezzlement.

(2) The provision in No. 1) of Subsection (1) above shall not include dispositions of articles that have been bought and with respect to which the vendor has reserved property until the purchase price has been paid.

§ 279

Any person who, for the purpose of obtaining for himself or for others an unlawful gain, by unlawfully bringing about, corroborating or exploiting a delusion, induces any person to do or omit to do an act which involves the loss of property for the deceived person or for others affected by the act or omission, shall be guilty of fraud.

§ 279 a

Any person who, for the purpose of obtaining for himself or for others an unlawful gain, unlawfully changes, adds or erases information or programmes for the use of electronic data processing, or who in any other manner attempts to affect the results of such data processing, shall be guilty of computer fraud.

§ 280

Any person who, for the purpose of obtaining for himself or for others an unlawful gain, involves some other person in a loss of property,

- 1) by abusing an authority conferred on him to act with legal effect on behalf of the latter;
- 2) by acting against the interests of the person concerned in respect of property held in trust by him on behalf of that person; shall, provided the case is not covered by Sections 276-279 a of this Act, be guilty of breach of trust.

§ 281

Any person who

1) for the purpose of obtaining for himself or for others an unlawful gain, threatens some other person with violence, substantial damage to goods or deprivation of liberty, with making a false accusation of having committed a punishable act or dishonourable conduct or with revealing matters appertaining to his private life; or who

2) threatens some other person with making a false accusation of having committed a punishable act or dishonourable conduct for the purpose of obtaining for himself or for others a gain that was not justified by the action, which was the reason for the threat;

shall, provided the case is not covered by Section 288 of this Act, be guilty of extortion.

§ 282

Any person who takes advantage of another person's serious financial or personal troubles, lack of knowledge, irresponsibility or existing state of dependence in order to obtain or stipulate in a contract any payment, which is out of all proportion to the return, or for which no payment is due, shall be guilty of usury.

§ 283

(1) Any person who, for the purpose of obtaining for himself or for others an unlawful gain, 1) sells, pawns, mortgages or in any other way disposes of property belonging to him, but on which a third party has acquired a right with which the act is incompatible; or

2) subsequent to the institution of bankruptcy proceedings against him or to the commencement of negotiations to agree on a composition, undertakes acts aimed at withdrawing from creditors the property and interests in the estate; or

3) by false pretences, concealment, pro forma contracts, substantial gifts, excessive consumption, sales at cut prices, payments of or deposit of guarantee for debts not due or in any other similar manner withdraws his property or interests from his creditors or from any one of them;

shall be guilty of misappropriation of funds.

(2) If acts of the nature indicated in No. 3) of Subsection (1) above have been undertaken for the benefit of a creditor, the latter shall be liable to punishment only if, at the time when he foresaw the imminence of bankruptcy or the suspension of payments by the debtor, he induced the debtor to grant him such facilities.

§ 284

(Repealed).

§ 285

(1) The offences referred to in Sections 276 and 278-283 of this Act shall be punished with imprisonment for any term not exceeding one year and six months. In the circumstances dealt with in Section 283(2) of this Act, the penalty in respect of the debtor as well as of the creditor who has benefited may be reduced to a fine.

Misappropriation of lost property shall be punished with a fine or imprisonment for any term not exceeding one year and six months.

§ 286

(1) If the offences mentioned in Sections 276, 281 and 282 of this Act are of a particularly aggravated nature, especially due to the manner in which they were committed, or because the offence was committed by several persons in association, or while possessing weapons or any other dangerous instruments or means, or because of the considerable value of the stolen objects, or the conditions under which they were kept, or where a large number of offences have been committed, the penalty may be increased to imprisonment for any term not exceeding six years.

(2) If the offences mentioned in Sections 278-280 and 283 of this Act are of a particularly aggravated nature, especially due to the manner in which they were committed, or because the offence was committed by several persons in association, or due to the extent of the obtained or intended gain, or where a large number of offences have been committed, the penalty may be increased to imprisonment for any term not exceeding eight years.

§ 287

(1) If any of the offences dealt with in Sections 276-283 of this Act is of minor importance because of the circumstances under which the punishable act was committed, because of the small value of the objects appropriated or of the loss of property sustained or for any other reason, the penalty shall be a fine. In further mitigating circumstances, the penalty may be remitted.

(2) Attempt at a crime covered by Subsection (1) above shall be punishable.

§ 288

(1) Any person who, for the purpose of obtaining for himself or for others an unlawful gain, by violence or threat of immediate application of such,

1) takes or extorts from any other person a tangible object belonging to another person; or

2) carries away any stolen object; or

3) forces some other person to commit any act or make any omission involving that person or any other person for whom he is acting in a loss of property;

shall be guilty of robbery and liable to imprisonment for any term not exceeding six years.

(2) If a robbery is of a particularly aggravated nature, especially due to its particularly dangerous circumstances, the manner in which it was committed, or due to the extent of the obtained or intended gain, or where a large number of offences have been committed, the penalty may be increased to imprisonment for any term not exceeding ten years.

§ 289

(1) Any person who, for the purpose of obtaining for himself or for others an unlawful gain is guilty of a violation of a particularly serious nature of the taxation, customs, duties or subsidies legislation or of Section 289 a, shall be liable to imprisonment for any term not exceeding eight years.

(2) The provision in Subsection (1) only applies if there, in the in Subsection 1 mentioned legislation, is a reference to this provision.

§ 289 a

(1) Any person who, for the purpose of decisions concerning payment or repayment of customs duties or other duties to, or payment or repayment of subsidies or assistance from Danish authorities or the European Union's institutions or other union agencies, gives incorrect or misleading information or suppresses information, including the failure to fulfil a duty of disclosure of importance for the decision in the case with the intention for himself or for others to evade payment or attain unlawful payment, shall be liable to a fine or to imprisonment for any term not exceeding one year and six months.

(2) The same penalty shall apply to any person who unlawfully uses a legally attained benefit in relation to payments as mentioned in Subsection (1), and any person who unlawfully uses payments attained as mentioned in Subsection (1) for other purposes than those, they originally were granted for. This, however, does not apply to benefits granted for private use.

(3) The provisions in Subsections (1) and (2) only apply where other legislation does not contain an equivalent regulation.

(4) Violations of Subsection (1) or (2) of a particularly serious nature shall be punished pursuant to Section 289.

§ 290

(1) Any person who unlawfully accepts or acquires for himself or for others a share in profits, which are obtained by a punishable violation of the law, and any person who unlawfully by concealing, keeping, transporting, assisting in disposal or in a similar manner subsequently serves to ensure, for the benefit of another person, the profits of a punishable violation of the law, shall be guilty of receiving stolen goods and liable to a fine or imprisonment for any term not exceeding one year and six months.

(2) When the receiving of stolen goods is of a particularly aggravated nature, especially due to the commercial nature of the offence, or due to the extent of the obtained or intended gain, or where a large number of offences have been committed, the penalty may be increased to imprisonment for any term not exceeding six years.

(3) Punishment pursuant to this provision can not be imposed on a person, who accepts profits as ordinary subsistence from family members or cohabitants, or any person, who accepts profits as a normal payment for ordinary consumer goods, articles for everyday use, or services.

§291

(1) Any person who destroys, damages or removes objects belonging to others shall be liable to a fine or to imprisonment for any term not exceeding one year and six months.

(2) In the case of very serious damage to property, or damage of a more systematic or organised nature, or where the offender has previously been convicted under this section or in pursuance of Sections 180, 181, 183(1) and (2), 184(1), 193 or 194 of this Act, the penalty may be increased to imprisonment for any term not exceeding six years.

(3) Where the damage has been done through gross negligence in the circumstances referred to in Subsection (2) above, the penalty shall be a fine or imprisonment for any term not exceeding six months.

§ 292

Any person who destroys, damages or removes his property, thereby rendering it no longer available to satisfy his creditors or any one of them shall be liable to a fine or to imprisonment for any term not exceeding one year.

§ 293

(1) Any person who unlawfully uses an object belonging to another shall be liable to a fine or to imprisonment for any term not exceeding one year, unless Section 293 a applies to the act. In aggravating circumstances, and in particular when the object is not returned after use, the punishment may be increased to imprisonment for any term not exceeding two years.

(2) Any person, who unlawfully prevents an^y other person, completely or in part, from using or disposing objects, shall be liable to a fine or to imprisonment for any term not exceeding one year. If offences are of a more systematic or organised nature, or in case of other particularly aggravating circumstances, the penalty may be increased to imprisonment for any term not exceeding two years.

§ 293 a

Any person who unlawfully uses a motor vehicle belonging to another shall be guilty of unauthorized use of a motor vehicle and liable to a fine or imprisonment for any term not exceeding one year and six months. In particularly aggravating circumstances, especially such as cases of recidivism, the punishment may be increased to imprisonment for any term not exceeding four years.

§ 294

Any person who unlawfully takes the law into his own hands shall be liable to a fine.

§ 295

Any person who, contrary to the rights of individuals or of public authorities, executes works of embankment or erects or builds permanent installations in fresh waters or in territorial waters shall be liable to a fine or to imprisonment for any term not exceeding three months.

§ 296

(1) Any person who

- 1) spreads false or misleading information, which can affect the price of securities or similar assets significantly;
 - 2) gives false or misleading information concerning legal persons' state of affairs
 - a) in public announcements concerning financial conditions,
 - b) in accounts required by law,
 - c) in reports, accounts or declarations to a general meeting or similar group or the legal person's management,
 - d) in notifications to a registration authority, or
 - e) in offers concerning the legal person's foundation or capital increase as well as concerning sale of shares or issuance or sale of convertibles bonds;
 - 3) grossly contravenes the laws governing legal persons in regard to
 - a) injection of new capital or
 - b) usage of the legal person's funds;
 - 4) grossly fails to fulfil requirements stipulated by law concerning a legal person's
 - a) keeping of minutes of proceedings,
 - b) keeping of lists and duties of disclosure as for shares of ownership, or
 - c) duties to take action when a loss of capital is ascertained;
- shall be liable to a fine or to imprisonment for any term not exceeding one year and six months.

(2) If any of the acts or omissions referred to in Subsection (1) above has been committed through *gross negligence*, the punishment shall be a fine or, in aggravating circumstances, imprisonment for any term not exceeding four months.

§ 297

(1) Any person who spreads false or misleading information, which can affect the price of goods, real estate or similar assets significantly, shall be liable to a fine or to imprisonment for any term not exceeding one year and six months.

(2) If any of the acts referred to in Subsection (1) above has been committed through *gross negligence*, the punishment shall be a fine or, in aggravating circumstances, imprisonment for any term not exceeding four months.

§ 298

Any person who, in circumstances other than those covered by Section 297 of this Act,

- 1) by false pretences relating to his capacity to pay obtains for himself or for others, loans or credit resulting in a loss of property to others; or
- 2) by spending a prepaid remuneration renders himself incapable of fulfilling his obligation; who
- 3) departs without paying for accommodation, food, transport or any other service the receipt of which has clearly been subject to the condition that payment should be made before departure; or who

4) obtains admission without paying the fixed price to any performance, exhibition or meeting, or to conveyance by any public means of transportation or to the use of any other public establishment;

shall be liable to a fine or to imprisonment for any term not exceeding six months.

§ 299

Any person, who in circumstances other than those covered by Section 280 of this Act,

- 1) in his capacity of trustee of any property of another person, by neglect of duty, involves the latter in substantial loss of property that is not made good prior to judgment at first instance; or who
- 2) in his capacity of trustee of any property of another person, by neglect of duty, for the benefit of himself or of others receives, claims or accepts the promise of a gift or other favour, as well as any person who grants, promises or offers such a gift or favour;

shall be liable to a fine or to imprisonment for any term not exceeding one year and six months.

§ 299 a

Any person who under particularly aggravating circumstances violates Section 19 of the Marketing Practices Act shall be liable to imprisonment for any term not exceeding six years. Considered as particularly aggravating circumstances are especially instances where the act has caused serious damage or implied a distinct risk of such damage.

§ 299 b

Any person who, for the purpose of obtaining for himself or for others an unlawful gain or who otherwise under particularly aggravating circumstances commits copyright infringements of a particularly serious nature, cf. Section 76(2) of the Copyright Act, or unlawful import of a particularly serious nature, cf. Section 77(2) of the Copyright Act, shall be liable to imprisonment for any term not exceeding six years.

§ 300

Any person who,

- 1) at a time when he is aware or ought to be aware of his inability to satisfy his creditors seriously aggravates his financial circumstances by incurring new debt, or pays or deposits guarantees for substantial debts that have fallen due; who
- 2) involves his creditors in a substantial loss by extravagant habits, by gambling, by hazardous enterprises which are out of proportion with his financial circumstances, by grave mismanagement of his affairs or by any other careless conduct; or who
- 3) in his capacity as debtor or authorized agent makes incorrect statements when submitting the declarations necessary for the commencement of negotiations to agree on a composition or who is guilty of *grave* carelessness;

shall be liable to a fine or to imprisonment for any term not exceeding one year.

§ 300 a

Any person who, in circumstances to which the provisions of Section 279 of this Act do not apply, intentionally or by gross negligence brings about in an unlawful way that a person, who is under a delusion, because of this acts, or omits to act, thereby causing him or any other person affected by the act or omission, a serious loss of property, shall be liable to a fine or to imprisonment for any term not exceeding six months.

§ 300 b

Any person who, in circumstances to which the provisions of Section 282 of this Act do not apply, by entering into a contract in an improper fashion, takes advantage of the other party's financial troubles or otherwise of his inferior position, shall be liable to a fine or to imprisonment for any term not exceeding six months.

§300c

Any person who transfers a claim which originates from another's act of the nature described in Sections 282, 300 a or 300 b of this Act, or who advances such a claim, shall, if by the time of his acquisition of the claim he showed gross negligence with respect to its character, be liable to a fine or to imprisonment for any term not exceeding six months. A person shall be similarly liable who otherwise by gross negligence derives an undue advantage from another's act of the nature referred to in Sections 282, 300 a or 300 b of this Act.

§ 301

(1) Any person who, with the intent to unlawful usage makes, obtains, possesses or passes on

1) information, which identifies a means of payment that has been issued to others, or

2) generated card-numbers for payment cards;

shall be liable to a fine or to imprisonment for any term not exceeding one year and six months.

(2) If the passing on etc., as mentioned in Subsection (1) above, takes place widely or under particularly aggravating circumstances, the penalty shall be imprisonment for any term not exceeding six years.

(3) The provision in Subsection (1) above does not apply to genuine payment cards.

§ 301 a

(1) Any person who, unlawfully obtains or passes on passwords or other means of access to information systems, to which access is reserved for paying users and secured by a password or other special access restriction, shall be liable to a fine or to imprisonment for any term not exceeding one year and six months.

(2) If the passing on etc., as mentioned in Subsection (1) above, takes place under particularly aggravating circumstances the penalty shall be imprisonment for any term not exceeding six years. Considered as particularly aggravating circumstances are

especially instances where the passing on etc. has occurred commercially, widely or under circumstances in which there is a special risk for extensive misuse.

§ 302

(1) Any person, who, in circumstances other than those covered by Section 296 of this Act, under particularly aggravating circumstances violates requirements stipulated by law concerning

- 1) bookkeeping, including registration of transactions and preparation of accounting material;
- 2) keeping of accounting material, including descriptions of bookkeeping and systems to keeping and finding material, including access codes etc. and encryption keys;
- 3) the access of public authorities to accounting material pursuant to special legislation governing these authorities; as well as
- 4) presentation of annual accounts or similar accounts;

shall be liable to a fine or to imprisonment for any term not exceeding one year and six months.

(2) Where an act or omission referred to in Subsection (1). above has been committed through gross negligence, the penalty shall be a fine or imprisonment for any term not exceeding four months.

§ 303

Any person who is guilty of gross negligence in acquiring by purchase or in receiving in any other similar manner objects acquired through an acquisitive offence shall be liable to a fine or to imprisonment for any term not exceeding six months.

§ 304

(1) Any person who, where rights of property are amendable to decision by voting, obtains for himself or for others an improper permission or authority to participate in such procedure or to give more votes than he is entitled to, or acts in a manner which unduly influences the vote, shall be liable to a fine or to imprisonment for any term not exceeding four months.

(2) The same penalty shall apply to any person who, in the case of any voting in a bankruptcy estate or an unencumbered estate or in the course of any negotiations to agree on a composition, influences by false pretences the casting of votes, or who grants, promises or offers, accepts, claims or accepts the promise of a pecuniary favour for voting in a particular way or for abstaining from voting.

§ 304 a

(1) Any person who unlawfully grants, promises or offers some other person, who in this country or abroad is serving as an arbitrator, a gift or other favour in-order-to--induce that other person to do or fail to do anything while performing this function, shall be liable to a fine or to imprisonment for any term not exceeding one year and six months.

(2) The same penalty shall apply to any person who, in this country or abroad is serving as an arbitrator, and while performing this function unlawfully receives, demands, or accepts the promise of a gift or other favour.

§ 305

(1) The offences dealt with in Sections 291(1) and (3), 293(2), 298, and 299 of this Act shall be prosecuted only at the request of the injured party, unless prosecution is called for due to the public interest.

(2) The offences dealt with in Section 294 of this Act shall be liable to private prosecution.

Chapter 29
Special Provisions Regarding
Legal Persons

§ 306

Companies etc. (legal persons) can be held criminally liable according to the provisions in Chapter 5 for violations of this provisions in Chapter 5 for violations of this Act.