

LAW 25 February 1974 n. 17 (published in the albo of the Government Palace on March 1 1974).

Issue of the new penal code.

We the Captains Regent of the Most Serene Republic of San Marino promulgate and publish the following law approved by the Great and General Council its meeting on February 25, 1974:

Art. 1

They approved the Criminal Code and Explanatory Report in the text resulting from Annexes "A" and "B" of this Act.

Art. 2

The new Penal Code will enter into force on 1 January 1975.

Art. 3

By the Secretariat of State for Internal Affairs a copy of the Code and the report will be sent to all

San Marino breadwinners.

Art. 4

A special commission, formed by the Law Commissioners and the Secretary of the Commission Scientific

who prepared the draft of the Criminal Code, will prepare a draft transitional rules , implementation and coordination with the Code criminal as well as change some regulations of criminal procedure concerning the application, modification and execution of sentences and security measures and also regarding the participation of the education brief formal defense.

This project must be approved by the Great and General Council no later than 30 November 1974

Art. 5

The New Code of Criminal Procedure must be approved by the Great and General Council no later than 1 January 1976.

The Commission provided for in article 4 above dvrà draw up a draft with solutions alternatives to be given to the fundamental principles inspired the new procedure.

Subsequently a Council Commission, formed by the same criteria of what has approved the Criminal Code and sent deliberant, where consensus can be reached, and sent referent in other cases, will have to make the choice among the alternatives mentioned in the preceding paragraph.

It will also appoint a scientific commission that can draw up a text robust project in compliance with the principles thus adopted.

The Council Committee referred to in the previous paragraph will, finally, to the discussion and approval of the final text

, with ratification delConsiglio Great and General.

Our Residence, this day of 28 February 1974 to 1673 Foundation of the Republic THE CAPTAINS REGENT

Antonio Volpinari - Giovan Luigi Franciosi

THE SECRETARY OF STATE FOR INTERNAL AFFAIRS

Giuseppe Lonfernini | ||

NB This law has already been published in Volume IV p. 1967; It is reported as a legitimate subsequent Annexes A and B.

Schedule "A": Criminal Code  
BOOK ONE GENERAL PART

**TITLE CRIMINAL LAW**

Art. 1

Principle of legality No one may be punished for an act that is not expressly provided for by law as a crime, nor with penalties that are not expressly laid down by it. No one shall be subjected to security measures that are not expressly anticipated by law, nor except in cases established by it.

Art. 2

not extensive efficacy of the judgment - Analogy  
In the exercise of jurisdiction of the Court must be limited to the interpretation of the law in relation to the case to be decided, and may not issue rulings general. Its judgments are not binding in other cases the solution.

Art. 3

Non-retroactivity of criminal law  
No one may be punished for an act which at the time it was committed did not constitute a criminal offense or more 'severe penalty than that imposed by allor applicable law. It has retroactive effect the new legislation that abolishes a fact from the list of crimes and if there has been condemnation will not be executed and criminal effett. It has retroactive effect to the new law, whose dispoizioni are more 'favorable to the accused, unless was pronounced final judgment; However the judge, ex officio, shall review the sentence imposed with the sentence of condemnation to prison when the new law prescribes a term of imprisonment of two degrees.

Art. 4

Ignorance of criminal law Criminal law is mandatory when it has been made public by insertion in the Official Bulletin of the Republic

.  
Ignorance of the penal provisions can not be invoked in his defense.

#### Art. 5

offense committed in the Republic E 'subject to the provisions of this Code anyone, even alien or stateless person, commits an offense in the State, subject to the exceptions provided for in international conventions. The purposes of criminal law are considered to be the territory of the State the territory of the Republic , ships and aircraft San Marino wherever they are, unless they are subject to a territorial foreign law.

The offense means committed in the State where the offender has made you criminal acts that has in it the event occurred.

#### Art. 6

Offences committed abroad

E 'subject to the provisions of this Code, everyone who commits one of the crimes set out in the articles of the

State: 170, 185, 196, 284, 285, 324, 325 , 326, 328, 329, 331, 332, 333, 334, 337, 338, 339, 341, 342, 343, 344, 346, 37 400, 401, 403, 405.

It 'also subject anyone who commits the crimes referred to in articles 167, 168, 244 and 268; the misdeeds of

referred to in Articles 237 and 239, if carried through aircraft hijacking having first target the territory of the State or by its parties; any other offense for which the agreements or international treaties obliging the Republic to the repression of acts committed abroad

The San Marino law also applies to anyone who commits, outside the state to against a national of San Marino, misdemeanor punishable by imprisonment of not less able to second.

#### Art. 7

admissibility for certain offenses committed abroad to the detriment of a citizen

Apart from the cases mentioned by the first or second paragraph of the previous article, and without prejudice

than is otherwise provided in international conventions, do not proceed for the offenses punishable

last part of that article if the following conditions concur:

1) that the citizen or foreigner has been judged and acquitted abroad;  
2) that, convicted abroad, he has atoned nte entirely rebuilt and the sentence imposed by the sentencing

judgment, even though to an extent less than that imposed by this Code;

3), convicted abroad, he has served part of his sentence with the sentence judgment, if that party is equivalent to Totalia of the penalty imposed by the present code.

#### Art. 8

Extradition Extradition is regulated by international conventions and, where they do not have, by law

San Marino.

The extradition of people who are in the territory of the Republic is allowed only when the

following conditions are

:

- 1) that the fact is envisioned as crime or misdemeanor by law and that of the State of San Marino | || applicant;
- 2) that the offense, the penalty or security measure are not extinct for one or the other law;
- 3) that the prosecution can be exercised for one or the other law;
- 4) which does not relate to a citizen of San Marino, except as expressly permitted by international conventions;
- 5) that it is not a political offense or an offense connected to this crime or exclusively military and

which in any case have indicated that extradition is requested for political purposes.

And 'political offense any crime that offends a political interest of the State or a political right citizen. For the sole fact of extradition it is considered politically also common crime determined mainly by political motives.

## TITLE TWO THE AUTHOR OF CRIME Chapter

I

### NO BLAME PEOPLE Art. 9

Inability of discernment

There is attributable who, when he committed the crime, he was in such a state of mind exclude the ability of discernment.

If the capacity of INTED and the will was greatly diminished, the penalty is reduced by one to two degrees

.

When the act was committed in ebbrietà conditions by alcohol or drugs, the judge, in the circumstances of the fact and to the personality of the subject, can decrease the worth of a degree.

Art.

10 Liability of minors is not due to those who are younger than twelve years.

For children over twelve or over, but not eighteen, the court, if it finds the ability of discernment, the punishment with a reduction of one to two degrees.

The judge may, worth a grade lower than those at the time of the fact they had a aged up to twenty years.

## Chapter II THE DANGER 'CRIMINAL

Art. 11

hazard criminal

For the purpose of this code is criminally dangerous person, though not due or not punishable , who committed a misdeed some or the other facts set out in Articles 26, 28 and || | 29, when the judge believes that he will be able committing new offenses punishable by law as misdeeds.

Art. 12 Assessment of the dangerousness

The court finds the danger in the circumstances and conditions laid down articol 88 and 89 and establishing, where it is necessary, biopsychic expertise.

Art. 13

hazard alleged

The law considers dangerous people:

- 1) higher or lower age, declared habitual misfattori, craft or constitutional;
- 2) convicted for crimes of association to commit a crime, trafficking and slave trade, extortion with kidnapping, trafficking and exploitation of people engaged in prostitution;
- 3) of legal age, declared not due to infirmity of mind or chronic intoxication alcohol or drugs, though acquitted by MISF cts that the law punishes by imprisonment of not less than able fifth;
- 4) condemned on pain decreased to infirmity of mind or chronic intoxication by alcohol or drugs for the effect of the second paragraph of 'Article 9, if it is determined the imprisonment term of not less than sixth grade for the crime committed.

Even in such cases the court finds the danger, provided that must be applied a security measure

with the conviction or acquittal, when they are five years since day when the crime was committed done. Chapter III

#### I MISFATTORI USUAL, THE CRAFT AND CONSTITUTIONAL

Art. 14

Misfattore usual

The judge declares usual misfattore the condemned when, having regard to the character of the crimes, to their severity, number and the time in which they occurred, considers that the convicted offender | || acquired the habit of crime.

Art. 15

Misfattore craft

The judge declares the craft misfattore sentenced to that, fulfilling the conditions indicated in the previous article, showing living of the proceeds of criminal activity.

Art. 16

Misfattore Constitutional Judge declares the constitutional misfattore who, even minors under the age eighteen, he transgressed against life, personal integrity or sexual freedom, when the efferatezz execution, indecency and futility of the reasons reveal the absence of the basic sentiments of humanity

.

Art. 17

offenses of the same nature

the purposes of criminal law are considered crimes of the same nature caratterizzati dall'identità

offended the legal right, or the identity of the decisive causes, regardless of their classification in the this code or special laws.

Art. 18

of habitual Declaration, trade or constitutionality

The habitual declaration, trade or constitutionality is pronounced with the sentence, after notifying

.

To these effects, as well as those of recidivism, the court may take into account convictions handed down by a court of foreign State, unless otherwise provided by international conventions

.

Art. 19

Effects of habitual declaration, trade or constitutionality

The habitual declaration, trade or constitutionality, besides the increase of pain resulting from recurrence and application of security measures, imports the following effects :

- 1) the exclusion from the amnesty and dall'indulto;
- 2) the exclusion from the prescription of punishment;
- 3) the increase by half the time required to October black rehabilitation.

The habitual declaration, trade or constitutionality is extinguished as a result of rehabilitation.

THIRD TITLE

## THE CRIME CHAPTER I DEFINITION

Art. 20 Species

The offenses are divided into crimes, crimes and offenses, according to the express legislative provision.

Art. 21

Misdemeanors, crimes and misdemeanors

The crimes are punishable only when committed intentionally.

The crimes are punishable fault.

The offenses are punishable by way of intent or negligence.

Art. 22

Details circumstances of aggravation or mitigation - Gravity of the fact

The penalties for crimes are adopted in accordance with the kind of degrees.

In the competition of special aggravating circumstances or mitigating it undergoes its variations of species or grade established.

The gravity of the offense is given by species more 'serious penalty for which it provides and, subject, by

degree of punishment, taking into account the variations that follow the application of the preceding paragraph

.

Art. 23

objective circumstances, subjective and related to the individual offender

At the effects of criminal law between the particular circumstances of aggravation or mitigation of sentence

, are considered objective those concerning the conduct mode, gravity of the damage or danger, conditions or personal qualities one offended.

The circumstances concerning the intensity of intent are considered subjective or the degree of guilt, the reasons to commit a crime and the relationship between the offender and the offended. They are related to the individual offender and the circumstances relating to the recurrence.

## Chapter II THE CRIME CONSUMED, TRIED AND FAILED

### Art. 24

#### Completed act - Causality

The offense is complete when you experience the event of damage or danger required by law as a result of the conduct of commission or omission of 'people. The event is also a result of a concealment when the person has a legal duty to prevent it

.

### Art. 25

#### Competition causes

The assistance of one or more 'cause, preexisting simultaneous or supervening, independent of the conduct of the perpetrator excludes the causal link, when they were of exceptional character and || | unpredictable for the agent.

### Art. 26

The Misfatto attempted crime is not consummated punishable as attempted when the agent, with the desire to consume a offense, it undertakes the execution in an unequivocal manner by appropriate means without being able || | performing the action.

In this case, the penalty may be decreased by one to two degrees.

The agreement is not executed for committing an offense is not punishable; However, the court may apply a security measure.

The preceding paragraph shall also apply in cases of incitement not accepted or not performed , unless the law provides otherwise.

### Art. 27

#### Misfatto failure

The misdeed was missing when the agent has made the already tut for the implementation, but the event does not occur, however

.

The penalty in this case can be decreased by one degree.

### Art. 28

#### withdrawal and termination active

Who voluntarily desist from the conduct started or voluntarily prevents the production of the event

, it is not punishable; but it is for the courts to apply a security measure.

If the enforcement activities undertaken, although not punishable as a crime or attempted failure,

up for themselves an offense, the agent subject to the penalties provided for it.

### Art. 29

#### Offense impossible

The absence of the object of the crime to criminal responsibility; but the court may enforce a security measure

This liability is not excluded if the acts committed, in itself considered, they constitute an offense.

### Chapter III PSYCHIC ELEMENT OF CRIME

Art. 30

Consciousness and will

For the existence of the offense are required consciousness the will of the pipeline.

Art. 31 Dolo

The offense is intentional when the agent with his own conduct intended to, even indirectly, causing the event.

It is not necessary that the agent wants or expects the occurrence of the condition from which the law does depend on the punishment of an offense.

The agent answers the events that aggravate the offense, he had not expected nor desired.

Art. 32

Blame The offense is negligent when the agent with their conduct inadvertently causes an event, although expected, through negligence, carelessness, waterproof aunt, for failure to comply with legal regulations, orders or disciplines.

Art. 33

physical compulsion is not punishable if committed the act to be forced by others, through physical violence which could not resist or otherwise escape.

In this case, the offense was committed by the person obliged, she responds perpetrator.

Art. 34

factual error The non-culpable error that constitutes a criminal offense, lthough determined by ignorance of non-criminal standards, to criminal responsibility.

Criminal liability is also excluded if the factual error concerning the assumption of causes that would make lawful conduct.

Art. 35

determined Error dall'altrui deception

If the error was determined dall'altrui deception will apply the above provisions, but the fact committed by the person responds deceived those who determined to commit it.

Art. 36

culpable error

In the cases of involuntary error the provisions relating to offenses and the fines are applicable.

#### Art. 37

personally Error In the event of an error on the victim of a crime, are not borne by the guilty the particular circumstances of aggravation concerning the conditions or quality of the person offended or relations between the offended and the offender, and are measured in its favor the circumstances of attenuation, erroneously supposed, that concern conditions, qualities or these relations.

#### Art. 38

##### Offense aberrant

If the agent by mistake on the use of the means of execution of the offense or for other cause, causes a event other than the intended, responds to wrongdoing failure not occurred event and for the crime or offense event declined, if this can be attributed to the fault and the fact and expected by law as a crime or offense, but the punishment is increased by one degree. The foregoing provision shall not apply where the agent causes offense to anyone other than

One to whom it was directed; in this case the c lpevole responds as if he had committed the crime

to the detriment of the person who wanted to offend and the particular circumstances of aggravation or mitigation of sentence are valued according to the rules of Article 37. If the guilty also causes the desired event, the rules on competition of the offenses.

#### Chapter IV THE CAUSES OF JUSTIFICATION

#### Art. 39

consent of the person entitled not punishable who harms or endangers good with the consent validly expressed by person who has the right to dispose of them.

The consent is not valid if it is extorted by violence or taken for easily recognizable error, obtained by deceit or manifested by minor person of eighteen or incapable of understanding and will.

#### Art. 40

Fulfillment of duty is not punishable who has made the fact nell'adempimento of a duty imposed by an order legitimate authority.

If the fait accompli in the execution of a illeg ttimo order is a criminal offense, we respond is who gave the order is who changed it.

Is not punishable who performs the illegal order when the law does not allow the union on the lawfulness of the order, unless the execution of this is self-evidently a crime.

For the purposes of the legality of the order must be satisfied that the performer said order have the prescribed forms, falls within its powers and those who issued it, is issued in order to achieve the purposes for which

its power was conferred by law. In case of error apply provisions of Articles 34, paragraph 2, and 36.

Art. 41

legitimizing defense

not punishable who has committed the act to be drawn compelled by the need to defend a own or others' rights against the current unjust danger offense, provided that the right threatened is minimal compared with the right importance harmed and there is no proportion between the means of defense used and those available.

Art. 42

state of necessity is not punishable if committed the act to be forced by the need to save themselves or others from danger

present serious harm to the person, threatening him not voluntarily caused || | nor otherwise avoidable, provided that the act is proportionate to the danger.

It 'punishable who had a particular legal duty to expose himself to danger.

The arrangement of the first part of this Article shall apply even if the state of necessity is determined

dall'altrui threat; but in that case the offense was committed by the person who threatened responds caused her to commit it.

Art. 43

Legitimate use of force

No public official is punishable who nell'sercizio of his duties uses made of physical coercion other than those arms, there being constrained by the need to overcome the resistance

interposed a legitimate action of the authority or to reject violence taking place against it.

Who is serving the public officer shall apply the provisions of Article 40.

The use of weapons is permitted only in cases expressly provided by law.

Art. 44

Crimes committed in sports matches

In motorsport is not punishable if the opponent has caused harmful events or to third, when the race was held according to the rules of the game and with the observance of the rules established authority.

If the act is due to willful misconduct or negligence, the subject will respond as crime or misdemeanor.

Art. 45

When Excess culpable in committing the fact is negligently exceed the limits prescribed by law or by the order

authority or imposed from the need, apply the penalties for the crimes.

## Chapter V CRIMES COMMITTED BY MEANS OF SOCIAL COMMUNICATIONS

Art.

46 Offences committed by means of the press

When a crime is committed by means of the press is responsible for the author of the script and anyone contest with him.

If the author is unknown, or not attributable to the resident 'stero or publication is made in his

knowledge, shall be punished:

- 1) in case of the periodical press, the director of the publication;
- 2) in case of non-periodical publications, the publisher; or, if this is unknown, not attributable or resident abroad, the person who has printed the authority by law;
- 3) in the event of illegal printing, the printer; over, if this is unknown, or not attributable residing abroad, the distributor.

With the author of the script is still responsible civilly, jointly and severally, the owner of the newspaper

or in case of non-periodical publications, the publisher or printer, if the publisher is missing.  
Art.

#### 47 Offences committed by other means or media of communication

When a crime is committed, or by other means of social communication, is responsible for the author of the text, and anyone who has the competition with him.

If the author is unknown, not attributable, residing at 'stereo or if the representation or reproduction is made without his knowledge, shall be punished:

- 1) the program director, if it comes to communications periodic;
- 2) the manufacturer, in other cases.

The manufacturer is still responsible civilly jointly and severally with the author of the text.

#### Chapter VI

#### CRIMES OF THE CONTEST Art. 48

offenses material Competition

Whoever commits more 'crime is punished with the penalties established for each of them, except as

arranged in the following articles as well as in the rules on competition, both of both of these punishments with

security measures.

#### Art. 49

formal Concurrent offenses

If the culprit with a single act or omission violates various provisions of the criminal law or more 'times to the same provision, shall be punished with the penalty for the most' serious crime, but in measure

not lower than the third grade.

#### Art. 50

offense continued

Who, with one or more 'actions or omissions, commits more' violations of the same provision of criminal law, linked together by the same criminal plan, it shall be punished with penalty || | established for the more 'serious violation, increased by one degree.

#### Art. 51

When the offense complex criminal law considers facts that costituicono for themselves offense as constituent elements

or aggravating circumstances of another offense, apply the penalties laid down for this.

#### Chapter VII EXTINCTION OF CRIME

## Art. 52

Cause estintive extinguish the offense, if they take part before conviction:

- 1) the death of the offender;
- 2) amnesty;
- 3) the prescription;
- 4) remission lawsuit.

Also extinguish the offense the judicial pardon, the fulfillment of the conditions of the suspension of the sentence

, the voluntary settlement and the special cases provided for in Book II.

## Art. 53 Amnesty

And 'exclusive prerogative to grant amnesty Great and General Council.

The extinction of the offense for amnesty effect is limited to crimes committed throughout the day preceding the date of submission

delà corresponding proposal to the Council, except in the a pardon is set a different date .

The amnesty may be subject to conditions.

In the competition of more 'crimes of it applies to individual crimes for which it is granted.

## Art. 54

Prescription of the offense The offense is prescribed:

- 1) in a year, if it is punished with a reprimand, fine the other day, the arrest, the prohibition of the first or second degree, first-degree imprisonment, alone or combined with each other;
- 2) in two years, if it is punished with imprisonment of the second degree, with the interdizione third or fourth grade, with a fine of ITL, sun, combined with each other to any other penalty;
- 3) in three years if it is punished with imprisonment of third degree, alone or in conjunction with any other penalty;
- 4) in five years if it is punishable by imprisonment in the fourth degree, alone or in conjunction with any other penalty;
- 5) in eight years if it is punished with fifth degree prisons, alone or in conjunction with any other penalty;
- 6) in sixteen years if it is punished with imprisonment of sixth grade, alone or in conjunction with any other penalty;
- 7) twenty years if it is punished with imprisonment of the seventh or eighth grade, alone or in conjunction with any other penalty.

To determine the time required to prescribe it takes account of changes in the degree of punishment

arising from the competition of special circumstances of aggravation or mitigation.

## Art. 55

time of the offense

For the purposes of the term needed to prescribe and the effect of the amnesty, the offense is considered

committed at a time when it ceased the activity of the guilty party or the day that is ceased permanence or continuation in the case of permanent or continued offenses.

#### Art. 56

The suspension of the term prescription is suspended for the period necessary to define the criminal judgment or administrative on a question referred to the establishment of the offense in question as well as in other cases established by law.

The prescription begins to run again from the day when it ceased due to the suspension.

#### Art. 57

Any interruption of the term procedural act performed by the judicial organs causes limitation, which begin to run from the last of them.

They also interruptive effect pleadings one offended or accused directed to the judge, that are notified by means of the cursor to the adverse party and to the Prosecutor of the Treasury. In any case the terms of the prescription can not be continued beyond the half.

#### Art. 58

extensive Effect

The effects of the suspension and interruption lie at sharers and cooperators as well defendants of related crimes.

#### Art. 59

Application amnesty and prescription

In any stage of the proceedings the court shall apply the amnesty and prescription unless appears already found that the facts did not, that the accused not it has committed or that the fact

not constitute a crime, in which cases will have to acquit the accused with the prescribed formula.

#### Art. 60

Remission Remission lawsuit lawsuit is effective when it is accepted. If more 'are co-owners or co

takes effect only in regard to those who have accepted it.

If the lawsuit has been proposed by more 'people remission it must be made by all. In otherwise it remains unaffected the lawsuit of those who have not made the remission.

#### Art. 61

Suspended sentence

The judge, in pronouncing sentence for one or more 'crimes committed in formal competition or or together for a continued criminal offense, may order the imprisonment applied in measuring not exceeding one year, the interdiction, arrest, lire fine or only out any of those punishments inflicted

remain suspended for a period of two to four years.

If the offender is less than eighteen years of age or older or has the seventies, the suspension may be ordered by imprisonment not exceeding three years.

If the offense continued, for crimes committed in co formal course or simultaneously are sentences at different times c ditional suspension is ordered by the court to which it to determine the cumulative penalty, provided that imprisonment does not exceed the limits set out in the preceding paragraphs

Art. 62

Conditions for the suspended sentence

The suspended sentence may be conc ssa:

- 1) if the court, in the circumstances mentioned in Articles 88 and 89, believes the culprit will not commit further crimes;
- 2) if the offender is not a dangerous person;
- 3) if at the time of the crime committed eight years have elapsed by the Atonement of the sentence, the execution of detention or their extinction, in the case of convictions prior to imprisonment to an extent not applied less than three years; if five years have passed in the case of lower imprisonment, disqualification, or to stop out any previous convictions in only one of these penalties.

Art. 63 Obligations of the convicted

The judge may make the suspended sentence fulfillment out any of the obligations set out in Article 140.

When such a new sentence to the fine in lire, the suspension may be subject to payment of the fine or financial penalty and previously suspended.

Art. 64

probative Experiment In applying the conditional suspension of his imprisonment, the court may subject the

sentenced to a control system, a re-educational purpose, which has duration of less than two years, by relying

to educators and social workers or citizens who are particularly qualified.

In case of failure of this experiment the judge may extend up to three years the period of control or inflict daily fine of First Instance or order that the convicted person is subject to the execution of a

part of the fine or imprisonment for no more than the third.

Art. 65

suspension Revocation

The suspended sentence was revoked in law if the convicted:

- 1) the terms established commits wrongdoing, crime or offense of the same nature;
- 2) reports subsequent sentencing to imprisonment, interdiction or arrest for a crime committed in time indicated in number three of Article 62;
- 3) does not fulfill its obligations under Article 63.

Art. 66

Fulfillment of the conditions of the suspended sentence if the convicted that the penalty has been suspended does not commit the terms established wrongdoing, crime or offense of the same nature and fulfills the obligations that may be imposed according || | Article 63, the offense is extinguished.

Art. 67

judicial Forgiveness In the cases covered by the second paragraph of Article 61, the court may grant a judicial pardon when it is satisfied the contest particularly important circumstances which give full custody that offender will not commit further crimes.

Art. 68 Prohibition of forgiveness

The judicial pardon can not be granted more 'than once, nor to those who have already been convicted in different penalty from one daily fine.

Art. 69

The Oblation voluntary misdemeanors punishable by one daily fine shall lapse upon the voluntary settlement.

It consists of the payment, made before judgment, a number of fine days, equal to the third scale determined.

The judge in the measure with which admits the offering determines the amount of his fine day, according to the provisions of Article 85, paragraph two.

Art. 70

Extinguishing a prerequisite offense, constituent element or circumstance of aggravation of another crime

When the offense is the assumption of another crime, the cause that extinguishes does not extend to the other crime

.

The cause extinctive of a crime, which is a constituent element of a crime or circumstance of aggravation

whole, does not extend to this.

Art. 71 Effects of estintive

causes Unless the law provides otherwise, the extinction of the offense has effect only for those to whom the cause of extinction refers.

Art. 72

of estintive causes Competition

When deployed at different times more 'cause of stensione, fol- do cease effects that are not yet extinct as a result of antecedent cause.

If you address simultaneously, qull operates more 'favorable, but even then, for effects that have not been extinct in consequen ce of the cause more' favorable, applies preceding paragraph.

FOURTH TITLE THE COMPETITION MORE 'PEOPLE IN CRIME

Art. 73

Sharing and cooperation

All those who in any way participated in the commission of a fact envisioned as crime, underlie the penalty for it may determine.

If the case of the crime and the event was determined by interdependent conduct more 'people,

each cooperator is subject to the penalty established for it.

In contraventions competitors are responsible, as appropriate, by way of partnership or cooperation.

Art. 74

Competitor not due or otherwise not punishable

who puts others in the state of inability to understand or want to commit a crime or determines what that person is already in this state or otherwise not punishable, liable for the offense committed

.

Art. 75

Penis for competitors

The judge assesses the work done by each shared or co-operator for the purposes of the sentence, just to Articles 88 and 9. When the work paid from shared or co-operator was entirely secondary in preparation or execution of the crime, the punishment may be reduced by one degree.

Art. 76

The Repentance of shared shared that, after taking part in the conception of the crime or to certain implementing acts, recedes from its continuation, is responsible for the crime consumed by others, but the judge | | may decrease the penalty of one to two degrees.

Art. 77

offense other than the one desired by out any of the competitors

If the offense committed is different from that intended to be out any of the competitors, these will respond

as a crime if the event is a result of his conduct and can be ascribed to the fault, but the penalty is increased to two degrees

.

If the offense is not foreseen as a crime, ic mpartecipe responds wanted the event, but the sentence can be increased by one degree.

If you also commits the crime wanted to apply the provisions on the offenses are committed.

Art. 78

Change the title of the crime for any of the competitors

If the conditions or personal qualities of the guilty party or the relationship between the offender and the offended

changes the title of the offense for anybody of those who there are competitions, the others respond

the same title.

Art. 79

Evaluation of the exclusion of punishment

The subjective causes, which exclude the penalty for anybody of those contests in the offense, take effect only with respect to the person to which they refer.

The objective causes will affect all those competitions in the offense.

TITLE V PENALTIES AND SECURITY MEASURES CHAPTER I

## PENALTIES IN GENERAL Art. 80

### penis Species

The penalties laid down by law are, in order of most serious, the following:

- 1) imprisonment;
- 2) interdiction;
- 3) stop;
- 4) fine in lire;
- 5) daily fine;
- 6) judicial reproof.

### Art. 81

Imprisonment The imprisonment has the following degrees:

- 1) from three months to one year;
- 2) by six months to three years;
- 3) from two to six years;
- 4) from four to ten years;
- 5) from six to fourteen years;
- 6) from ten to twenty years;
- 7) from fourteen to twenty four years of age;
- 8) from twenty to thirty-five.

### Art. 82

#### Interdiction and its species

The ban has the following degrees:

- 1) from six months to one year;
- 2) from nine months to two years;
- 3) from one to three years;
- 4) from two to five years.

The ban includes:

disqualification from public offices, political rights, by a profession or an art;

Loss of parental authority, appointment of the guardian or curator, or the ability to test;  
the forfeiture of any permit or state license and the rights arising from it.

The exclusion from public office without the condemned:

- 1) of any public office or service and the qualities to them respectively inherent public official and civil servant;
- 2) of the titles, decorations and honors;
- 3) salaries and personal checks which are the responsibility of the Republic or any other public body  
, subject to the rights accrued for the payment of indemnities and pension systems;
- 4) the ability to buy the offices and dignities of the preceding numbers one and two, as well as the benefits inherent in them.

The disqualification from political rights deprives the convict active and passive electorate or the ability to buy

.

The ban from a profession or an art matter in disqualification from the profession, art, industry, trade, or craft for which a special permit, authorization is required, authorization or

license

; also deprives the convict of the ability to buy them.

The loss of parental authority and appointment of the guardian or curator, involves the loss of those

office and deprivation of all rights of inheritance is not that it is up to the parent on the child's property.

Art. 83

Stop The arrest has the following degrees:

1) from five days to one month;

2) fifteen days to two months;

3) one to three months.

The judge ordered that the arrest is granted at home, in the manner specified by them, having regard

to working needs and family circumstances of the convicted person spent in prison or the national holidays or other

days of the week until the stop-time inflicted. 84 Fine Art

In lire lire fine the amount to be paid is stable by the law directly into money, between a minimum of ITL

duecentomilauno and maximum liret million.

Art. 85

Fine of days

In the days to fine the amount to be paid is however established by law in respect of a number of days within a minimum and a maximum.

It is up to the judge to determine in each case the amount of money corresponding to a day in fines

, based on what the convict can save every day, living frugally and fulfillment to potential charges for maintaining of the family.

The fine days has the following degrees:

1) from one to twenty days;

2) from ten to forty days;

3) from twenty to sixty days.

Art. 86

Judicial judicial rebuke reproof consists of a solemn warning, adapted to the particular conditions

of the person and the extent of the offense committed, the judge turns to the condemned in a special public hearing

.

If the convicted person fails to appear at the hearing set or does not accept the admonition with respect, the

judge, instead of reproof, applies the first-degree imprisonment.

That penalty also applies to those who, having committed a crime punishable by one reproof, in the next five years

commits another punishable by one reproof.

## Chapter II APPLICATION, MODIFICATION AND ENFORCEMENT OF PENALTIES

### Art. 87

#### Discretion of the judge

In Grade Judge limits apply discretionary penalty.

When the criminal law does not determine which ban should apply, including those indicated in the article

82, the court may choose a discretionary one or more 'or proceed with a ruling all together.

When economic conditions of the offender a fine of ITL can be presumed to be ineffective, even if

the maximum is applied, the court may replace it with the first-degree imprisonment.

In any case, the court must give a reasoned justification for the use of the discretion granted in the preceding paragraphs.

### Art. 88

#### Evaluation criteria: severity of the crime

In the use of discretion in the previous article, the judge must take into account the severity of the inferred offense

:

1) by insidious means, deceit, cunning and other circumstances of time, place or person , of which the offender has served for King ostacol public or private defense; or, conversely, being helped to determine the event the fact arson, and, in the crimes, even the fact of negligent victim; by the number of people concurred in ato r; and, in any case, by mode of action;

2) the relevant entity or a tenuous nature of the asset year caused to the injured party;

By the number of people who had to suffer prejudice; from public scandal; and in any case extent of the damage or danger;

3) by acts of torture or cruelty to people, on the contrary, from having acted in a state of anger dependent on another's provocation or suggestion arising from a mob;

by the subsequent behavior of the fact, bearing in order to aggravate or mitigate the consequences of the crime

; from having, in cases of competition more 'people in the crime, promoted, organized or directed the

partnership or cooperation; from having acted, in crimes, despite the prediction event

; and, anyway, the intensity of intent or the degree of guilt.

### Art. 89

#### evaluation criteria: personality of the perpetrator

In the use of the discretion the court must also take into account the personality of the perpetrator

deduced:

1) from having committed the crime during the time which he has escaped voluntarily execution of a warrant sent for a precedent r ato; or, conversely, from having before judgment fully compensated the damage; dall'essrsi spontaneously brought to justice; by spontaneous confession

and in any case, the conduct with emporanea or later the offense;

2) by the reasons to commit a crime, the previous life, from personal conditions as well as from

the family and social  
of the culprit.

Art. 90

Details of aggravating circumstances or mitigating

When the offender acted:

1) to commit another offense; for concealing a previous offense or destroying evidence;  
to achieve or secure for himself or for others the product, profit, the price or other offense for  
reasons

vile or futile;

2) with abuse of authority, public or private office or to family relations or the quality  
educator, teacher, employee, guest or cohabiting;

3) instigating or causing a minor to commit the offense of eighteen years has the capacity of  
understand or want, or a person not punishable or suffering from partial infirmity of mind.

The court may apply a penalty of a higher grade.

When the offender has acted mainly for moral reasons or social value, the

court may apply a penalty of lower degree; The same happens when the provocation has been  
particularly severe

or if the confession was made voluntarily and usefully.

The punishment can be diminished by one degree for the lesser of eighteen years, having the  
capacity

of sound mind; for the person partially mentally ill, in the case provided for in the number three  
, as well as for the competitor who has acted for the abuse referred to in number two efftto.

They are also special circumstances in those previst second book, which aggravate or mitigate  
the punishment of individual crimes

.

Art. 91

And Relapse 'repeat offender who was previously convicted of a crime. In such a case the judge  
can not apply the penalty in  
minimum grade.

If recurrence is repeated and the new criminal offense of the same nature, the punishment may  
be increased by an  
grade.

Art. 92

Competition circumstances

In all cases of sunny competition aggravating circumstances or mitigating circumstances sun  
apply the increase or decrease planned for the occasion more 'serious respectively or more' | ||  
tenuous; if the circumstances are of equal gravity or tenuous nature applies only increase or  
only decrease

.

In the competition between aggravating and mitigating circumstances, the court may, taking into  
account the personality of the perpetrator, and  
entity of the fact, declare the aggravating and mitigating equivalent  
or declare that the one or the other prevailing .

Art. 93

rules for the increases and reduction in punishment

When the law has increased the sentence of one or more 'degrees:

- 1) imprisonment of eighth grade has increased to qu and forty years;
- 2) the prohibition of fourth grade up to six years;
- 3) the third-degree arrest is increased up to three months and twenty days;
- 4) a fine of up to Lire tremilionicinquecentomila;
- 5) daily fine of up to third degree eighty days.

When will the reduction of one or more 'degrees:

- 1) the first-degree imprisonment decreased up to fifteen days;
- 2) the prohibition of First Instance has decreased up to three months;
- 3) the lire fine is reduced by up to one hundred fifty thousand lire.

The arrest and daily fine of First Instance not suffered decreases cone.

Art. 94

Conversion of the fine to ITL

The condemned for not ascertained insolvency has paid all or part of the fine to ITL, atones worth with imprisonment at the rate of one day for every ten thousand lire fine or part thereof

Sum, but not beyond the upper limit of the first degree.

He has a way to stop it replaced by paying the fine, minus the amount corresponding to the duration of painful captivity.

The judge, having regard to the economic conditions of the convicted, allow installment payment of the fine within five years or authorize it to provide part-time with their work performance in favor of the Republic for the time that will determine .

Art. 95

When Ragguaglio between different punishments for all legal purposes you must run the ragguaglio between different species or between the penis and penis security measures:

a day of captivity or custodial measure equivalent two days of arrest or ban and a fine of ten thousand lire

;

A stop day to a cutoff day and six thousand lire in fines;

A cutoff day six thousand lire fine.

Art. 96

Count arrest and preventive detention.

The arrest and imprisonment, suffered before the sentence has become final, considering already been served as part of the sentence imposed.

The arrest and incarceration are not counted for the purposes of minimum measurement duration of security subsequently applied.

The provisions of the preceding paragraphs and the last paragraph of Article 130 shall also apply

when the accused is acquitted of the crime for which he had been ordered the arrest, the imprisonment, the measure of safety, and it must serve a sentence ou security measure for another offense committed before the start of the detention status.

Art. 97

Pena and preventive detention or ban Tentative discounted ria abroad

In case of renewal of judgment in the Republic, the penalty obvious abroad is computed taking into account the species of it; and if there has been preventive detention or temporary interdiction, the provisions of the preceding article.

Art. 98

The Count of temporary imprisonment to time shall be reckoned in days, months, years, and does not take into account the day of the beginning and of fractions of a day.

Art. 99

atonement mode of captivity inflicted

The prison is paid for in the local prison.

The upper imprisonment of six months is affected in a prison of the Republic or of a foreign state

under international conventions.

Art. 100

Mandatory Referral atonement of captivity

The Atonement of captivity is deferred, if it must place against a pregnant woman or who has recently given birth

less than six months, as long as the son is alive.

Art. 101

Referral optional

The court may postpone the expiation of imprisonment:

1) if it has to take place against the person who is in a serious state of physical infirmity;

2) if it has to take place against woman who gave birth to more than six months but less than a year, and

there is no way of entrusting the child to another person.

Art. 102

Referral optional part of the Atonement of captivity

If in the course of the atonement of imprisonment of less than four years of exceptional circumstances occurring

gravity, which require the temporary presence of the offender in the nucleus || | familiar, that

occurs in the case provided in the former a previous article, the Captains Regent

postpone the expiation of the remaining prisoners.

This power can not be exercised more than once.

Art. Release on parole 103

The court may order the conditional release of the sentenced to imprisonment not less than two years

if these, during the time of expiation penalty, has behaved in such as to believe

confident his repentance and have scontat least twenty-five years of imprisonment

eighth grade and half of imprisonment lower grade.

If the convicted person when the event was at an age lower than twenty years and has served at least one year continued

prison, conditional release may be ordered when

were atoned for at least fifteen years of imprisonment eighth grade and a third of the

imprisonment of

lower grade.

When the sentenced passed the seventies the conditional release may be granted whether he has served at least twenty years of Earr in the eighth grade.

The granting of conditional release is also subject to the fulfillment of bonds referred to in Article 140, except that the convict proves to be unable to fulfill such

.

The convict freed has always dealt with under Article 64. control system

Art. 104

Execution of the conditional release conditions

Once the time of the sentence imposed or ten years after the liberation, in the case of eighth grade imprisonment without it being intervened due to revocation of parole, it is extinguished.

Art. 105

Revocation of conditional release

The conditional release shall be revoked if the person commits the crime liberated, crime or offense of the same nature and can be s it violates the obligations regarding the control system

, but in this case the court may also extend up to three years the period of that inflict daily fine of first Instance.

The time spent on parole shall not be included in the length of sentence and the convicted can not be re-admitted to conditional release.

Art. 106

day release, license and prison visits

The court may grant the sentenced to imprisonment of not less than two years, which has served the

period required by Article 103 to be admitted to conditional release, to spend | || part of the day outside the prison to attend work or istruttive activities.

The court may grant the sentenced known to be in those conditions one or more 'licenses duration not exceeding three days, even cumulatively with the benefit of the preceding paragraph.

The semi-liberty and license is granted to the convict who has shown a willingness to participate work of re-education, in relation to the progress made by him and the need to promote the gradual

reintegration into society. May be revoked at any time if the subject does not face good use.

The court may also order special programming with Regulation taking into account the needs and biopsychic

emotional equilibrium worthy of your needs as well as sentenced organization

prison, the condemned receives the same unsupervised visits | special ||. Chapter III

## THE COMPETITION OF PENALTIES Art. 107

Definition It has penis competition when they have to be performed against the same person more 'pains of

same or different species, imposed with one or more' judgments, as well as one of the penis | ||

in the process of atonement.

Art. 108

Competition of different species penis

The different species penis will all apply, unless it is subsequently disposed.

That principle also applies to the different species of interdiction.

Art. 109

arrest Competition and rebuke with imprisonment and competition disqualifications

The arrest and reproof are absorbed from the imprisonment with which concur and reproof is absorbed by the arrest.

The ban absorbs the species identical with it competitor.

The arrest absorption does not take place if the ato sentenced to imprisonment

commits new crimes punishable by imprisonment, before it has fully assumed his imprisonment.

Art. 110

penis Competition of the same species

In the competition of prison sentences, interdiction of the same species, the arrest, the fine to lire and in fine days, the judge, to the effects of aggregation , taken as a basis is worth more 'serious

inflicted and suitably increases, taking into account the number and importance of the individual punishments

competitors to an extent greater than the maximum grade.

If the base penalty is imposed in most, the limit is the maximum of the higher grade.

Art. 111

Competition penalties in implementing act

If while serving the imprisonment, arrest the offender must serve interdiction

new penalties of the same species, for offenses committed after the beginning of ' expiation, not taken into account, for the selection process of the article above, the part of executed sentence

to the consummation date of the last offense.

If the offender must serve the imprisonment or arrest during the interdiction running, this remains suspended until the completion of those.

#### Chapter IV EXTINCTION OF PUNISHMENT

Art. 112

Cause estintive extinguished it the following causes:

- 1) the death of the offender;
- 2) the amnesty intervened after the sentenced to judgment;
- 3) the pardon;
- 4) the grace;
- 5) the prescription;
- 6) the fulfillment of the conditions of the conditional release.

Art. 113

And Remission and grace 'exclusive prerogative of the Great and General Council to grant a pardon or grace.

The pardon condone the sentence imposed in whole or in part or switches to another of a different species.

The condone pardon or commutes the sentence imposed on the individual offender.  
During most 'penis, the pardon applies only once to that resulting from the application of Articles 107 and following

All'indulto apply the provisions of the second, third and fourth paragraphs of Article 53.  
Art. 114 Prescription

It prescribes:

in thirty years imprisonment not less than twenty years;  
In twenty years imprisonment of not less than ten years;  
In ten years imprisonment not less than five years and disqualification;  
Five years imprisonment of less than five years and any other penalty.  
Art. 115

The Statute of limitations period starts from the day when the sentence has become final or from the day when the convicted he withdrew voluntarily execution of the sentence already begun.  
If the sentence is subject to scadenz of a term or upon the occurrence of a condition , the time required for the extinction of the sentence shall run from the day when the term expires or the condition it is verified.

Art. 116

no mention of condemnation in the certificate of bo rio  
The judge, when imposing the penalties of imprisonment up to three years, interdiction, arrest, the fine in lire, the daily fine and reproof, may order, having regard to circumstances mentioned in articles 88 and 89, in order to facilitate the social rehabilitation of the offender, that is not mentioned in the certificate of conviction from the judicial record, issued at the request private, for any reason other than that of the electoral law.  
The benefit above to minors of twenty years may be granted by the judge when the sentence does not exceed five years.

The no mention of the sentence can not be granted to dangerous people.

Art. 117

Rehabilitation Rehabilitation extinguishes any criminal effect of the sentence and puts the citizen in the same condition moral estimation and calendar year in which it was before the final judgment.

In cases of multiple convictions rehabilitation is spoken by all.

Art. 118

Rehabilitation measures for the

Judge Judge ruling rehabilitation verdict when the following conditions:

1) have lapsed eight years by the Atonement of the sentence, the execution of the security measure or || | on settlement, when with some of sentenced and for which it asks the rehabilitation is

imprisonment was imposed for a period not less than three years;

2) that five years have passed by the Atonement of p na, from the execution of the security measure

or their extinction, when sentence was imposed other than that stated in the previous number ;

3) it has elapsed three years of punishment or atonement by its extinction when it was imposed penalty for contraventions sun;

4) the sentenced person has fulfilled the obligations set out in Article 140, unless it proves that not have been able to perform them;

5) whether it is the person who, at the time when the previous numbers one, two and three, gave

effective and consistent evidence of good conduct, such a finding of its full rehabilitation to vit | social ||.

Art.

119 Rehabilitation of the Great and General Council Decree

The Great and General Council may pronounce rehabilitation outside of the time limits indicated in numbers one and two of the previous article, and also in conjunction with the provision

grace.

Art. 120

penis Extinction in the case of competition

In penis competition, the extinction of one of them has no effect for other penalties. In the more ' prison sentences are executed non-extinct, but in any case will be deducted from their pile the time served prior to the cause of extinction. Chapter V

## SAFETY MEASURES Art. 121

species are security measures sentences:

1) the judicial psychiatric hospital;

2) the nursing home;

3) the rehabilitation of the house;

4) the workhouse or agricultural colony.

They are a security measure:

1) oversight of dangerous people;

2) the expulsion of foreigners.

Art. 122

Psychiatric Judicial Hospital

The forensic hospital is of special security measures for dangerous persons, minors or of legal age, declared not attributable to mental infirmity.

Art. 123

Nursing Home

The nursing home has special security measures for dangerous persons, major or minor age, declared partially infirm of mind.

The court may replace the surveillance to the nursing home if the offense committed is minor.

Art. 124

Home

The reeducation rehabilitation home has special security measures for minors under eighteen years dangerous,

Attributable or not attributable to causes other than infirmity of mind.

When the measure should be wholly or partly performed after the child has completed his twenty-one years

, the court may substitute supervision.

Art. 125

Working House and agricultural colony

The workhouse or agricultural colony apply the usual misfattori, craft or constitutional

.

The court may apply the workhouse or agricultural colony or monitoring referred to in Article next to other dangerous persons.

Art. 126

Supervision of dangerous people

The judge prescribes the means of supervision and imposes special obligations, in order to avoid the dangerous person

opportunities for new offenses and to facilitate their rehabilitation in society.

The supervision is entrusted to the police authorities assisted by the work of educators and social workers.

The condemned inmate and are supervised during the license period or postponement of the execution

, granted under the foregoing Articles 102 and 106 as well as the subsequent

Articles 128 and 132. || | Art. 127

Expulsion Expulsion from the territory of the Republic to replace the stranger security measures anticipated in Article 121, numbers three and four of the first paragraph and the second number one

paragraph.

When would apply g udiziario the psychiatric hospital and the nursing home the stranger is handed authority of the foreign state.

Art. 128

Execution of prison security measures

The prison security measures are carried out in the establishments of the Republic or in those of State Foreign

under international conventions.

If during the execution of a custodial security measure occur exceptional circumstances gravity, which necessitate the temporary presence of ll'internato in the household, or you occurs in the case provided in the number one Article 101, the Captains Regent may differ once the execution of the remaining measure.

Art. 129

Application of security measures The security measures are applied by the court with the conviction or acquittal.

Art. 130

Provisional application of security measures

The judge, if there is sufficient evidence of guilt n regarding the fact defendant, can be ordered

prior to a final judgment

provisional application of the judicial psychiatric hospital or home | || nursing.

If the danger ceases or is excluded during the proceedings, the measure is revoked.

The provisional execution time is computed to the effects of the minimum duration of the measure Safety

and subtract from prison and stop penalties imposed on the culprit that has been recognized not dangerous.

Art. 131

The minimum duration forensic hospital, the re-education house, the workhouse and farming colony,

have a minimum duration of one year; the nursing home and supervision have a minimum duration of six months

The minimum duration of the security measures applied to dangerous persons, larger or smaller age, however, not attributable, acquitted of crimes punishable by imprisonment of not less than one quarter

grade, is three years.

The calculation of the measures is carried out according to Article 98.

Art. 132

hazard Review

be operative the minimum duration established for each security measure the court decides whether it should continue or

less in relation to the continuing danger, shall determine the duration and they can commute the species.

When satisfied that the danger is over, the court shall order the withdrawal of the measure.

In the four months immediately preceding the deadline for the review, or in the two months prior to the expiry of the minimum

fixed duration for the nursing home, the court may grant the

person subject to custodial measure one or more 'experiment licenses, and establish the conditions.

Art. 133

Effects of extinction of the crime and punishment

The extinction of the offense and the sentence prevents the application or implementation of security measures

prison, but to them vigilance is replaced.

Art. 134

Competition of security measures

If contribute towards the same person more 'safety measures, the court shall apply measure more' suitable believes.

If during the execution of a measure, the dangerous person must be applied to crimes or offenses committed after the beginning

execution, ua new measurement of the same or different

species, duration minimum of this is done from the consummation date of the last fact or offense.

Chapter VI

## THE COMPETITION BETWEEN THE PENALTIES AND SECURITY MEASURES

### Art. 135

Applicability of provisions The provisions of this chapter shall be subject to penalties and that the safety measures in implementing act

They operate on the penis and on the security measures as are respectively by the application of the rules on competition of each competition on the other.

### Art. 136

Competition measures disqualification and a fine

The security measures are run together with the interdiction penalties, a fine of at lire and in fine days with whom will compete.

### Art. 137

Competition of the measures with the imprisonment and the arrest

When concur imprisonment and a prison security measure the judge, as the case and taking into account the personality of the offender, may order the joint application the measure of punishment and that is the only measure.

In the prison security measure it has absorbed a term of imprisonment.

The prison security measures are subsequently run to the competitor prison sentence.

The supervision and expulsion are subsequently run to the arrest and imprisonment penalties competitors.

### Art. 138

penis Competition with safety measures in implementing act

The execution of prison security measures will be suspended if the dangerous person reports sentence of imprisonment; unless other measures of the court referred to in the previous article. After his sentence or this is otherwise settled, the security measure starts from minimum.

The watch execution shall be suspended if the dangerous person is serving the arrest or imprisonment and resumed its course after serving the sentence.

### Art. 139

infirmity of mind during the execution

If, before the execution of imprisonment or a different prison security measure from the psychiatric judicial

or nursing home, or while performing , the person is suffering from mental illness incompatible with his stay in prisons or preventive institutions, the court shall order hospitalization in a prison psychiatric hospital or in a nursing home.

The judge may also order that the sick person if sentenced to imprisonment not exceeding three years and

not it be dangerous person, is recovering in a common psychiatric hospital.

The period of hospitalization it is considered as execution of the sentence and the measurement and computes the

minimum duration effects, what to measure.

The provision of shelter is lifted when no longer fulfills the reasons which determined, but whether the discharge from the psychiatric hospital or nursing home coincides with the end of the minimum term, you place the review provided for in Article 132.

## TITLE VI

## BONDS CIVIL AND OTHER EFFECTS OF THE CRIME

Art. 140 species of

The bonds sentenced responds with its assets, present and future of the following obligations:

- 1) reimbursement to the Institute for Social Security of the costs incurred during the infirmities as nursing and foods in favor of the victim;
- 2) damages, physical and moral, economic or other, and restitution of property of which he has taken possession or appropriate;
- 3) recovery to the injured party of court costs and legal assistance;
- 4) payment to defense counsel expenses anticipates ee of the sums due by way of honorary;
- 5) payment of the costs.

Art. 141

Publication of the sentence

The culprit is also obliged to have it published at his own expense and at the request of part of a newspaper

San Marino and of a foreign state newspaper, distributed in the Republic and in the territory finitime regions, the sentence, if a publication is a means to repair moral damage caused by the offense.

Art. 142

Idivisibilità and solidarity of

obligations The obligation of refunds and the publication is indivisible.

The competitors in the same offense are jointly and severally liable to pay compensation for damage caused.

Art. 143

Extinction of Obligations

The extinction of the punishment does not extinguish the obligations referred to in Article 140.

The extinction of the crime extinguished the only bonds referred to number five with Article 140.

|| | Art. Privilege 144

The credits listed in Article 140 are in the same order general privilege, securities and real estate

, over any other claim, even those anticipated in article 17 of the law mortgage

March 16

1854. the credit for the daily fine is equal privilegio and takes order before that for the proceedings.

Art. 145

Advance sign and seizure

If there is justifiable reason to fear that in the process the debtor's assets from being dispersed, the

judge, at the request of the Chamber, the Prosecutor of the Treasury or the civil party, may order

Early registration of privilege in the mortgage office records, how to real estate, and the

seizure, as to movable property, for a sum allegedly corresponds to that which will be liquidated for credit

.

In this case it takes the privilege of the date of registration or seizure.

The accused can always offer an adequate security n Replacement of registration or of the seizure.

Art. 146

Extension to the responsible civil

Of the bonds referred to the numbers one, two and three of Article 140 also responds to the responsible civil

, according to law, with its assets and with the guarantees and precautions above provided.

Art. 147

Confiscation Al crime follows the confiscation of things, the property of the culprit, served or were destined to commit

and the things that are the price, product or profit.

The seizure also follows, regardless of the sentence, the manufacture, use, port possession, sale or trade, constitutes an offense, of things not even the agent properties.

Things confiscated shall revert to the Treasury or, if necessary, destroyed.

Art. 148

Extinction of the crime and punishment and criminal effects

The extinction of the offense excludes any criminal effect, except as provided in the second paragraph of the previous article

.

The extinction of the punishment not extinguish the criminal effects and convicted, is taken into account

for the declaration of habitual misfattore or craft, for recurrence in Article 91 as well as for any other effect

.

The amnesty intervened after conviction extinguishes any criminal effect, unless otherwise provided

clemency measure. TITLE VII

EXPLANATION OF LEGAL TERMS Art. 149

"Publicly", "corporate communications", "arms", "public order", "prostitution", "narcotic substances

", "public official", "public document", "public seal" || | for the purposes of the criminal law the offense shall be counted publicly when the crime is committed in a public place , opened or exposed to the public or making use of the social communications

.

To the same effect means:

1) for corporate communications, reproduction or representation of thought, information, actions or things if made for purposes of public communication or distribution, by | || print, recordings on tape or disk, radio, television, radio, public shows or entertainments, films or other means of this kind;

2) to own weapons, firearms and any blunt instruments, wound or stabbing, built

specifically to offend the person, while offensive weapons are the tools built for other purposes when they are equally liable to offend the person and employees to that effect;

3) for public order, coexistence, even dialectic between citizens, which takes place without violence or

current threat and in compliance with laws and democratic institutions;

4) for prostitution, the trading of its corp-profit;

5) for drugs, those entered in a special list of authority;

6) for public officials, all those who, fearing or temporarily remains, for free or salary, performing functions of decision, representation, empire, certification or any other public function

, in service of the Republic or of a public body;

7) for public document, any document drawn up, in the exercise of its functions by a public official

or by another public employee that he does not hold that capacity, as well as the authentic copies of it;

8) for the public seal, any instrument to public certification or authentication by cash.

BOOK TWO SPECIAL PART

## TITLE I CRIMES AGAINST THE PERSON

### Chapter I CRIMES AGAINST LIFE AND SAFETY, 'PERSONAL MISDEEDS

#### Art. 150

Murder Murder is punishable by imprisonment of seventh grade and fourth-degree disqualification from public offices and political rights

.

Applies imprisonment of eighth grade and fourth-degree disqualification from public offices, from political rights

, profession and art, if the crime is committed:

1) in the person of ' ascending and descending, although natural; adoptive parent or adopted child;

2) with premeditation;

3) with torture or cruel means;

4) by poisoning or other insidious means.

Applies captivity in the fourth degree in the case of the victim's consent.

#### Art. 151

Incitement or assisted suicide

Incitement to suicide and assisting, if death occurs, shall be punished with imprisonment and the fourth degree disqualification.

If the suicide attempt comes a serious personal injury is the imprisonment of the third degree.

If the deceased was instigated person under age or unable to understand or want apply murder provisions.

Art. 152

Infanticide for honorable reason or pity

The mother who for reason of honor causes the death of the newborn immediately after birth or the fetus during childbirth, is punished with imprisonment of third degree.

The same penalty applies to the parent who pity causes the death of the monstrous infant, immediately after learning that the monstrosity is incurable.

Who competes in the misdeed for-profit he shall be punished by imprisonment in the fourth degree; if the shared exercising a health profession is applied also its fourth degree disqualification.

Art. Abortion 153

The pregnant woman who procures an abortion and anyone who contributes will be punished with imprisonment of second degree.

The same punishment the person who procures an abortion to senior woman of twenty-one years

with the free and informed consent of her.

Applies imprisonment of third degree:

- 1) if the offense is committed without the consent of the woman;
- 2) if the offender is a profession of illicit practices or acts for profit;
- 3) if in consequence of abortion the pregnant woman dies or suffers a serious injury.

Applies imprisonment third joint degree interdiction in the fourth degree, if the offender exercise a health care profession.

Art. 154

Abortion for honorable reason

The pregnant woman by reason of honor causes abortion or allows you shall be punished with imprisonment of First Instance

Everyone who competes in the misdeed for-profit shall be punished with imprisonment of the second degree. If the shared exercising a health profession is applied also its fourth degree disqualification.

Art. 155

Anyone who causes bodily harm to others a disease of the body or mind is punishable by imprisonment of not more than the second degree

When the offender has used a weapon, a means for offending or another means insidious, poisonous or corrosive, applies imprisonment not exceeding the third degree. If the injury is healed within ten days there shall be one offended lawsuit.

Art. 156

Events aggravators

When the lesion is derived event as abortion, life-threatening disease healed more than sixty days or

incurable, permanent disfigurement of the face, loss or substantial weakening of a sense, of an organ or its operability or p rdita the ability to procreate, they apply

imprisonment and third-degree disqualification.

Art. Beatings 157

The simple blow is punished, in dell'offes lawsuit, with the first degree imprisonment or a fine of at day of the second degree.

Art. 158

injuries or beatings followed by

If death from injuries from beatings or derives the event of death, shall apply imprisonment and disqualification of fourth degree

.

Art. 159

About Duel challenge to a duel, although the challenge is not accepted, the bearers of challenge and those who accept it, are punished with first-degree imprisonment.

If the collision takes place, the duelists, carriers of defiance, godparents or seconds and anyone else hast

facilitated the duel, they shall be punished by imprisonment of second degree.

In the case of the common provisions shall apply injury or death.

Art. 160

Abandonment of people unable

Anyone who abandons a person who has the care, unable to fend for itself by age, physical or mental condition, shall be punished with imprisonment for second degree and with the '

fourth degree disqualification from public offices aforesaid.

The imprisonment is the third degree if the act results in any of the events specified in Article 156 and of the fourth degree if comes death.

Art. 161

Abandonment of infants by reason of honor

Anyone for honorable reason abandons an infant immediately after birth, he shall be punished by

first-degree imprisonment. If the act results in a personal injury applies imprisonment of first degree

.

If the act results in a personal injury applies the imprisonment of the second degree; if death comes,

imprisonment third degree.

Art. 162

Wrongful

Anyone omits, delays or refuses to give assistance as needed to a person who by age, physical condition or mental

verses in a state of danger, shall be punished with imprisonment for second degree .

If the act results in a personal injury applies imprisonment third degree.

## CRIMES Art. Manslaughter 163

The crime of murder is punishable by imprisonment dissecondo degree.

In the event of gross negligence for failure to observe the traffic regulations on the prevention injury or serious violation of obligations inherent to the profession exercised, applies jointly the third-degree disqualification from bilitazioni, authorizations or governmental licenses.

Art. 164

injury culpable

The crime of injury shall be punished with imprisonment of First Instance or with imprisonment or with a fine by day of the second degree.

We proceed upon complaint of the injured if the lesion is healed within thirty days.

And 'applicable to the particular circumstances of aggravation in the second paragraph of the previous article

.

## FINES Art. 165

Administration to less harmful substances or dangerous

It 'punished with a daily fine or imprisonment or disqualification from the market of second degree

anyone, being offered at a public exercise , administers, is administered or otherwise offers of minors under sixteen, medicines, drugs, drinks superalcoliche or other substances, for their quality or quantity or for a use not in conformity with the requirements, || | be of harm or danger to health.

Art. 166

Failure to Report of people bisognevoli care

It 'punished with a fine of second-degree daily anyone, outside of the hypothesis provided for in Article

162, fails to give immediate notice to the authority of a person in state of danger to age, physical or mental condition.

## Chapter II CRIMES AGAINST FREEDOM 'PERSONAL MISDEEDS

Art. 167

reduction in slavery '

Anyone who reduces a person to slavery' that I keep it, shall be punished with imprisonment of fifth grade and with the fourth degree disqualification.

Art. 168

Trafficking in slaves

Everyone who is or is otherwise slave trade shall be punished by imprisonment of six degree and with the fourth degree disqualification.

Art. 169

Kidnapping

Whoever subtracts, believes or otherwise deprived of liberty a person, he shall be punished with imprisonment of second degree.

If the offender before they have achieved the intent spontaneously puts the person at liberty or

in a safe place, apply the first-degree imprisonment.

Art. 170

citizen delivery to foreign country

Anyone who, through violence, threats, deception or kidnapping, give or fall into the hands of a foreign state government a Sammarinese wanted for any reason, shall be punished with

prison third degree and fourth degree interdiction.

Art. 171

violation of sexual freedom

Whoever, using violence, threats, suggestion ipotica or waking or making use of other suitable means, compels or induces a person by fraud for libidinous acts, shall be punished with prison third degree.

If the offense is committed by, adopter, guardian, educator, teacher, from health or who has the custody of a child for supervisory reasons, education, education or care, shall remain applicable in the interdiction of the fourth degree by parental authority, protection,

by the profession or art.

Art. 172

Aggravating circumstance

Anyone in the circumstances foreseen by the preceding commits sexual intercourse is punished with imprisonment increased by one degree.

Art. 173

Acts lust of minors or consenting incapable

Subject to the penalties established in the two articles Prev nti any person engaging in the acts therein without

force, threats or deception, against a minor of fourteen years, or in person that for physical or mental condition will not be able to resist him.

The culprit can not claim to own the excuse za ignores the minor age of the victim.

Art. 174

Acts of unlawful lust

Whoever, apart from the cases punishable under articles 171, 172 and 173, performs acts of lust of person

in hospital, hospice, college, home rie ucazione or who is under arrest or detention

, on which he has authority, or of the person entrusted to him for work reasons, is punished with first-degree imprisonment and fourth-degree disqualification from public office, from the profession or art.

Art. Seduction 175

Anyone who joins carnally with a woman less than twenty-one years, causing it to error on their state of married person and pr mass marriage, shall be punished with imprisonment not exceeding

second grade.

Art. 176

Kidnapping for the purpose of lust or marriage

If the offense provided for in Article 169 is committed to the end of lust or marriage, the offender is punished with imprisonment

third degree.

Art. 177

Corruption of minors

Anyone excites a child under eighteen years of age to sexual corruption, abuse of alcohol or drugs or gambling, is punished, if the act is not an otherwise by a statutory provision, with the imprisonment of the second degree.

Art. 178

Law Lawsuit

For the admissibility of scheduled offenses under Articles 171, 172, 173, 175, 176, and 177 is required

one offended lawsuit.

The remission is effective if done before the final disputes under the

Criminal Procedure Code or, in summary proceedings before the delivery of the first instance judgment

.

It produces automatic if the offense is committed by, the guardian or the adopter or by person who is in the care or custody the victim.

It also automatic if the crime is committed in conjunction with the crime prosecutable ex officio.

Art. 179

private

Violence Anyone with violence or threats compels others to do, tolerate or omit something, he shall be punished with imprisonment

second degree.

It applies the same penalty even when operated Siasi hypnotic suggestion or wakefulness, or you are

administered alcoholic or drugs.

Art. 180

inability State procured through violence

Anyone, through hypnotic suggestion or waking, administration of substances, submission to special treatments or by any other means, places a person, without the free and informed || | consent of her, in a state of incapacity of discernment, shall be punished with imprisonment for first degree

.

Art. 181

Threat The threat of causing unjust damage to others is punished, in one offended lawsuit, with daily fine second-degree

or reproof.

If the act is committed with a weapon is prosecuted and applies the first-degree imprisonment or the arrest of the third degree.

Art. 182

Violation of domicile Anyone who introduces or keeps in another's home or in another private house or

individual exercise of activity and its membership prohibitive against the will of those who have the right

to exclude him or will you introduce or tratiene illegally, it shall be punished, upon complaint of

the same

, with first-degree imprisonment.

If the offense is committed with violence or if the offender is clearly armed, are prosecuted and the

captivity has increased by one degree.

### Chapter III CRIMES AGAINST HONOR MISDEEDS

#### Art. 183 Defamation

Anyone in a public meeting or communicating with more 'people attaches to anybody, present or

absent, a fact determined, that offend the honor, is punished, in one offended lawsuit with the arrest or

daily fine second degree.

Art. 184

Insult Anyone in a public meeting or communicating with more 'eople offends the honor of a person,

present or absent, shall be punished, in one offended lawsuit, by imprisonment or a fine of days of first Instance or with the rebuke.

If the injury is committed to the mere presence of prsona offense, apply the daily fine

First Instance or reproof.

In the presence shall be treated the correspondence, telegraph, telephone and cash equivalents.

Art. 185

famous libel

If the offense referred to in Article 183 is committed using, even abroad, communications social , one always proceeds in one offended lawsuit p and na is the imprisonment of first Instance or the

fine in lire, or the arrest of the second degree or third-degree daily fine.

Art. 186

No punishment for retaliation or provocation When ffese are reciprocal and unique committed in the context of action, the court may declare exempt from punishment either guilty or only one of them

.

It is not punishable if committed the act detrimental to the honor as a reaction to an unjust provocation, as long as they follow immediately after, ovver making use of social communications

in retaliation to an offense done him by the same means.

Art. 187

No punishment for the offenses contained in registered or presented in speeches before the Great and General Council

They are exempt from penalty as well as from any civil or administrative sanction for the offenses contained in the writings

presented or speeches by the Great and general Council members when

Council and concerning topics of general interest in debate or by placing the order of the day

.  
Art. 188

Not criminality of the offenses contained in the writings or speeches presented before the judges of

Republic are exempt from penalty for the offenses contained in the writings or speeches presented by the parties or by their sponsoring in legal proceedings, as long as relevant to the object of the cause.

E 'in the judge's authority to order the removal of the writings or deletion of sentences, when offensive statements exceed the limits of defense.

The application of the injured can be assigned a financial penalty Ripar by order of the same proceedings.

Art. 189

Try release

In cases of defamation punishable under articles 183 and 185 of the offender is allowed to give evidence

the truth about the facts attributed offended if:

- 1) if the person offended him conclusively;
- 2) if the defamatory facts is a criminal proceeding;
- 3) whether the establishment of the facts is in the public interest in quality coated dall'offeso or for other reasons

.  
If the truth of the fact is proved for it or if the victim is later convicted, the author defamation go free from punishment.

#### Chapter IV CRIMES AGAINST INVIOABILITY 'OF SECRETS MISDEEDS

Art. 190

matching Revelation

Anyone without the right to fraudulently take cognition of the object of a correspondence, reveals it or prevents the drive train by means of diversion, disruption or any other way, it shall be punished with the arrest of the second degree.

Apply the first-degree imprisonment and a fine of second-degree daily, if the offender has suppressed or stolen correspondence; He has profited for themselves or for others from cognition or

revelation of it; as well as the case where the offender is involved in the operation of the postal, telegraph

, telephones or any other public service to match.

Art. 191

Revelation of the secret documents contained

Anyone out the hypothesis envisaged by the preceding article, having come illegally to aware of the content of acts or public or private documents to remain secret, reveals | || that employs him in his own or another's benefit, shall be punished with imprisonment of first Instance and the

daily fine second degree.

Art. 192

Revelation of professional secrecy or professional or scientific or industrial secrets

Anyone who without just cause reveals a secret he knows he learned for reasons of their own state, office, profession, art or industry, in any way knowledge itself or takes to profit themselves or others, shall be punished with first-degree imprisonment and disqualification of second degree office, profession or art.  
There shall be one offended lawsuit.

#### CRIMES Art. 193

Facilitation culpable knowledge of secrets

Anyone, being bound to secrecy referred to in Article 192, facilitates fault knowledge, he shall be punished  
, in one offended lawsuit with reproof.

### Chapter V CRIMES AGAINST PROPERTY MISDEEDS

#### Art. 194

Theft Who takes possession of movable things or other people dell'enrgia without the consent of the one who holds  
, for profit, shall be punished with imprisonment of First Instance and the daily fine second grade.

If the theft is committed for needs of the small things of value or by illegally grazing an animal on someone else's land, applies the arrest or daily fine of First Instance and there shall

lawsuit of 'offended.

The offender shall be punished with imprisonment and second-degree daily fine of the third degree if he committed theft

:

1) by means of trespassing;  
2) with violence against property, with tearing, dexterity or by fraudulent means;  
3) of things exposed to the public trust or custody in churches or cemeteries or upon things of significant value

;

4) in complicity with others, being competitors in a number not less than three.

#### Art. 195 Robbery

When the seizure of the thing of others is committed with personal violence or with threat, although

put in place immediately after the fact to keep possession of the thing or procuring ' impunity, the offender shall be punished by imprisonment and a fine of days as well as with third-degree

fourth degree disqualification from public offices and political rights.

If the act is committed by at least three persons and kidnapping, imprisonment has increased by one degree.

#### Art. 196

Extortion Whoever, by violence or threats, forcing someone to do, tolerate or omit some thing, procures for himself or others an unjust profit, shall be punished with imprisonment and

daily fine third

Grade as well as the fourth degree interdiction from public offices and political rights. If the act is committed by not less than three persons or with kidnapping to achieve profit as the price of freedom, imprisonment has increased by one degree.

Art. 197

Embezzlement.

Anyone wrongfully takes over the other's movable object, which has possession of any kind, is punished, on the one offended lawsuit, with imprisonment and a fine of second-degree daily.

It applies the first-degree imprisonment or second degree daily fine if the appropriation has object things of small value or other lost or treasure constituents or things of which the agent it obtained in error, unforeseeable circumstances or force majeure.

It is automatic if the act is committed by an administrator, tax collector, guardian, curator or by anyone lends his work to others and apply the second-degree imprisonment, a fine of days third-degree and fourth-degree disqualification from office of guardian or curator, by the profession or art.

Art. 198

I

Administration unfaithful guardians, curators, administrators, directors, liquidators of a company and any other director of private assets

, which, in those cases envisaged by the preceding article, to procure to himself oad others an advantage, carry out acts that are of damage to assets under management, are punished with imprisonment

second degree or daily fine of the third degree.

Art. 199

Receiving Whoever, apart from cases of complicity in the crime, in order to profit buys or receives, steps in to do

buy or receive things from the offense or receiving things from persons or company that knows how to be in a state of insolvency or buy a remarkably low price, if is opened the bankruptcy proceedings of the creditors, shall be punished with imprisonment and daily fine

second degree as well as disqualification third degree from public offices and political rights.

Art. 200

Usurpation of property

Anyone removing or altering the terms or using fraud in measurements makes her an asset others' property, shall be punished by imprisonment and a fine of second-degree daily.

The same punishment shall be punished those who deviate public or private waters to procure for himself or others an unjust profit

.

Art. 201

Disruption possession

Anyone with violence or threat to the person disturbs the other's holding of immovable property shall be punished, in

lawsuit one offended, by imprisonment or a fine in days of third grade .

If the disruption is accomplished by means of occupation of companies by people outside the corporate organization

, apply the first-degree imprisonment and third-degree daily fine.

The penalties are increased by one degree and is automatic if the occupation:

- 1) occurs with violence or threats;
- 2) relates to the seat of an office of the Public Administration.

There is punishable employment accomplished by belonging to the company for trade union purposes.

Art. 202

Usurpation of intangibles

Anyone, through publication, use under his own name or in any other form, usurps the authorship of scientific work, literary or artistic as well as an invention, application or other people ornamental pattern or, without the consent of, the inventor or who has the right to dispose of them, reproduces, disseminates or uses in whole or in part, he shall be punished with imprisonment and daily fine of the second degree.

Art. 203

Damage Whoever destroys, disperses or damage in any way the thing of others that introduces animals

in others fund or you abandon them, shall be punished, in one offended lawsuit, with first-degree imprisonment or with lamulta to second-degree daily.

Applies's imprisonment according to the second degree or a fine of pounds and shall proceed, if the offense is committed

of buildings or public property or for public use, for worship or cemetery or at systems of public services or irrigation or nurseries for reforestation.

Art. 204

Anyone fraud, deceiving others by means of deception or contrivance, procures an undue profit, he shall be punished by imprisonment second degree as well as the daily fine or prohibition of the second degree.

The penalties referred to in the previous paragraph are applicable ven those who, abusing the rule of infirmity or mental deficiency or of minor age of a person, makes them perform acts detrimental to it or for others.

These penalties are increased by one degree:

- 1) if the offense is committed against the Republic or public bodies;
- 2) if the offense is committed to collect the price of an insurance or to induce someone to

Out an insurance policy;

- 3) if the offense is committed bragging credit from a public official or a power of Republic;

- 4) if the offense is committed in order to obtain victory in competitive sports or other public events or in its authorized bets.

If the fact mentioned in the first paragraph is committed by concealing one's state of insolvency, the offender is punished

, in one offended lawsuit, with imprisonment or with a fine by days of First Instance.

If claiming under the previous arrangement impimento to the obligation on the part of the offender

before the adoption of the first instance ruling, it extinguishes the offense.

Art. 205

Abuse in white sheet signed

A public official who fills a public act, signed in white and in his care, difformemente entitled for whom the act was in his possession or fills a authentic instrument in white

which has otherwise possess, shall be punished with imprisonment, daily fine and the third-degree disqualification.

The penalty is a first-degree imprisonment or second degree daily fine for anyone fills a private act signed blank, in order to procure an advantage for himself or for others or to cause a

harm to others, if any, used or allows others who use it.

Art. 206

Issue of bad checks

Anyone who issues a check without having had the institute drawee authorization ie without at this there is an adequate supply, shall be punished with imprisonment of the first | || rank or a fine in lire or daily fine of the second degree.

The same punishment those who, after the issuance of the check and before the last date of submission

has otherwise all or part of the sum deposited or anticipation credit

.

Art. 207

Wear Whoever, taking advantage of the state of need of a person, you give or promise, in return of asset performance, interest or altrivantaggi highly disproportionate or you intrudes to give or promise the interest or the above benefits, it shall be punished with

imprisonment and

daily fine second degree.

The fine is increased by one degree if the offender is a usurer.

Art. 208

Anyone fraud in the execution of contracts, being bound by a contract, deceives thers in fulfilling it or eludes

fraudulently procured thus an undue profit, it shall be punished, upon complaint of 'offended with the first-degree imprisonment and a fine of a second-degree daily.

It is automatic if the offense is committed in the exercise of a commercial activity.

Art. 209

Fraud in the execution or in the kidnapping

A debtor who, to evade or reduce the security for money creditors, distracts or hidden in any way

its assets, is punished, if the seizing or attaching no

can take place or takes place only for part of the debt, with the first-degree imprisonment and daily fine of

second degree.

The offense is extinguished if the offender, before it is pronounced judgment at first instance,

fulfills his obligations

.

Art. 210

Distraction of seized or confiscated objects

The whom enforcement or the person subject to caution that alien, removes, conceals, removes,

destroys, damages or renders useless the things you Reliable + to his custody and which are subject of seizure, attachment, lien or which are listed in an inventory of the procedure for disposal of assets and the rights of creditors, shall be punished with imprisonment and disqualification from public second degree offices.

The same penalty applies if the act is committed by the third keeper in competition with the debtor

whom enforcement or with the person subject to caution.

Art. 211

Bankruptcy The debtor that caused their insolvency or aggravated by overspending himself or for the family, with speculation or reckless operations or gimmicks aimed at delaying || | collapse, is punished, if the competition is open to creditors procedure, with imprisonment and disqualification from second degree trade.

Art. 212

The Bankruptcy fraudulent debtor, in order to avoid or reduce the guarantee to creditors, distracts or conceals his

goods until the moment of their delivery to the court bodies or exposes or recognizes liabilities nonexistent or otherwise diminishes fictitiously active, it shall be punished, whether the procedure is open

bankruptcy creditors, with the captivity of the third degree and fourth-degree disqualification from public offices

, political rights and by trade.

The same penalties also apply in case of alienation, dissipation, destruction, damage,

Devaluation of goods, carried out for the same purpose, since the time of their delivery to the organs

court.

Art. 213

The preferential Bankruptcy debtor, to encourage out any of the creditors, making payments that are prejudicial to other body

that simulates pre-emptive bonds, is punished, if the bankruptcy creditors is open, with imprisonment and disqualification from second-degree business.

Art. 214

Failure, irregular, false or retain the accounting records

A contractor who fails to keep or maintain, in whole or in part, accounting

prescribed by law for their company or the holding irregularly, it shall be punished, whether the procedure is open

bankruptcy creditors, with the arrest and disqualification from second-degree business. Apply imprisonment third-degree and fourth-degree disqualification from the market, if the offense is committed

to prevent the total or partial reconstruction of the balance sheet or the movement business, and even if the same purpose and outside the cases provided for in the first paragraph of Article 212

, the entrepreneur forges, alters or destroys the scriptures that affixes on them false claims.

Art. 215

voting Market

A creditor who, in their own or another's benefit, receives benefits or accepts a promise to give her

vote in favor of the insolvent debtor agreed in the front or rear opening of | || competition, shall be punished with imprisonment of first Instance.

The same punishment the debtor or others who gave or promised benefits.

Art. 216

Liability of directors, managers, officers, directors, auditors, liquidators of companies and heirs of the debtor

The directors, officers, directors, auditors and liquidators of companies, as well as the heirs and proxies

the debtor or the company, which have committed the facts anybody expected in articles 211, 212, 213 and 214, shall be punished with the penalties provided therein, respectively.

Art. 217

Cases of non-punishment is not punishable if committed theft, if not aggravated as per the numbers one and two of the third paragraph of Article 194

, or embezzlement, if not worsened under

third paragraph of Article 197, or the crimes under articles 199, 200 and 202, to the detriment:

1) of an ascendant, a descendant or similar in a straight line, adoptive parent or adoptee ;

2) the spouse, brother, sister, the aff ni in the same degree, uncle and nephew ch are living with them.

CRIMES Art. 218

Bankruptcy culpable

The debtor, that causes guilt or aggravates their state of insolvency, shall be punished, whether it is open

bankruptcy proceedings creditors, with first-degree imprisonment and with the ' second-degree disqualification from trade.

FINES Art. 219

unjustified Possession of keys or picks

It 'punished with imprisonment of third degree the person convicted of offenses against property or

begging or subjected to supervision of dangerous people, which is no surprise in unjustified possession of keys, lock picks and tools adapted to open locks.

Art. 220

Manufacture and sale of keys, arbitrary opening of locks

It 'punished with imprisonment of First Instance the blacksmith or the keys shopkeeper who:

- 1) circulates picks or other instruments to or force open locks;
- 2) manufactures or sells keys at the request of person other than the owner or possessor of the place or object to which the keys are made;
- 3) opens locks or other devices affixed to the defense of a place or object, at the request of one who is not owner or possessor of the place or object.

Art. 221

And Careless purchase 'punished by imprisonment of third degree anyone without having first ascertained the legitimate

origin, purchases, receives, seeks to purchase or receive things that, for their quality the condition of the person who offers or of the price scale, can influence be held from crime.

Art. 222

illegal entrance in the bottom

And others' liable to a fine of First Instance anyone, except in cases provided for in Articles 182 and 201 or by

special laws, enters without the need of others in the background completely enclosed by fence or other stable shelter.

## TITLE II CRIMES AGAINST FAMILY MISDEEDS

Art. 223

Anyone Fraud in marriage contracts a marriage concealing other hand, the cause of disability, shall be punished by first-degree imprisonment.

If the marriage is annulled applies imprisonment second degree.

Art. 224

Bigamy

Who, being bound by a civil marriage having effects in the territory, contracts another constraint that has civil effects in medesimo territory, shall be punished by imprisonment in the second degree and disqualification of third degree from the office of guardian or curator.

The same punishment the person scientifically binds marriage to bigamist.

The penalties are increased by one degree if the bigamist has misled the person with whom contracts remarriage.

The offense is extinguished if it is declared invalid or is dissolved the first marriage or the second to cause other from bigamy.

The penalty is extinguished if the declaration and the dissolution supervening after the sentencing.

The causes of extinction in the two preceding paragraphs shall also apply to sharers.  
Art. Adultery 225

The adulterous spouse is punished with a fine by days of the second degree, in one offended lawsuit.

Applies the arrest of the third degree if adulterous relationship.

The penalties are reduced by one degree for separated spouses consensually.

It is not punishable spouse who has been induced into prostitution or exploited other or that both was separated declared exclusive guilt of or unjustly abandoned.

The offense is extinguished if, before conviction, death occurs of the offended spouse or the declaration of nullity or the dissolution of marriage.

The penalty is extinguished if the death, the declaration or termination supervening after conviction

or if after sentencing the couple have reconciled.

The above provisions will also apply to perpetrators of adulterers.

Art. 226

Ban on artificial insemination

The woman who married without the consent of her husband gets to practice artificial insemination, is punished with first-degree imprisonment.

The same punishment those who provided or procured the seed for the purpose of insemination.

If in fact took part in the operator of a health care practice it applies jointly interdiction at first instance by the profession.

Art. 227

artificial insemination, violent or fraudulent

Anyone with force, threats or deception practice of non-consenting woman artificial insemination , shall be punished with imprisonment of third degree.

The penalty is increased by one degree if the woman remains inci ta.

If the act is committed by the operator a health profession, apply jointly fourth degree disqualification from the profession.

Art. 228

Incest Whoever joins carnally with a descendant, u ascendenteo a cognate in a straight line, with

a sister or a brother, relatives, mallards or uterine, he shall be punished with imprisonment of one third || | rank and disqualification for life from parental authority edall'ufficio guardian and curator.

Art. 229

suppression of civil status of a person

Anyone who suppresses the civil status of a person omitting the declaration of birth or concealing the state, when it is entered in the register of civil status, shall be punished in the prison a third-degree

.

Art. 230

alteration of the family status of a person

Anyone, by supposition of birth, substitution of an infant or falsity in the formation of a

birth, attributes to anybody a state of filiation non-existent or different from that that the law recognizes the  
, he shall be punished with imprisonment of the third degree and fourth-degree disqualification from  
parental authority and office of guardian and curatoe.  
However it is not punishable if it gives to an infant state of filiation corresponding to the real  
, unless the fact is not envisioned as another offense.

Art. 231

Stealing underage

Anyone subtracts a minor who has completed his ann fourteen, with the consent of him, to the  
parent or guardian or  
considers it against their will, is punishable upon complaint of them, with the imprisonment of  
first instance.

If the subtraction is committed to the detriment of minors under the age of fourteen or ill person  
mind, it applies the imprisonment of the second degree.

Art. 232

Abandonment of the domestic home

Anyone, without just reason, leaves the not legally separated spouse, minor children, natural or  
adopted  
, the pupil, so that they remain free of personal assistance, it shall be punished by  
the captivity of second-degree and fourth-degree disqualification from parental authority and  
office of  
tutor and curator.

It is not punishable culprit that meets the family prior to the ruling of the first instance judgment  
.

Art. 233

Violation of capital requirements arising from r family pporti

Anyone who fails to pay the maintenance needed in the ascending line, spouses, children

Minors or incapacitated, legitimate, natural and adopted; abusing spouse's assets, child or ward  
or

hollyhocks them, shall be punished with imprisonment for second-degree and fourth-degree  
disqualification from  
parental authority and office of guardian and curator.

Art. 234

Abuse of correction or discipline powers

Anyone abusing powers correction or discipline so as to cause a hazard to the body or the mind  
or illness of a person under his authority or entrusted to him, He shall be punished with  
imprisonment and disqualification  
of first Instance by p tria power, office, profession or art.

The imprisonment is of the second degree if the act results in any of the events specified in  
Article 156 and

third degree if it results in death.

Art. 235

Maltreatment Anyone use per person of family maltreatment under his authority or entrusted to  
him, shall be punished with imprisonment

second degree.

The prison is in the fourth degree if the act results in any of the events specified in Article 156 and

fifth degree if it results in death.

In the case of ill-treatment to the spouse who is not derived from any of the listed events indicated in Article 156 if the offense is extinguished before the adoption of the decision at first instance

communion has been rebuilt and the ' harmony famili king.

## TITLE III CRIMES AGAINST THE COMPANY '

### Chapter I CRIMES AGAINST SAFETY, , PUBLIC HEALTH AND THE ENVIRONMENT MISDEEDS

Art. 236

epidemic and massacre

Anyone committing an act intended to cause an epidemic, a massacre or otherwise to cause killing more 'persons, shall be punished with imprisonment of sixth grade.

Applies imprisonment of eighth grade, and the interdiction of the fourth degree if the act causes the death of one or more

'people.

Art. 237

Public disaster

Anyone who causes a fire, a flood, or one of an avalanche, the collapse of a construction, the destruction of a public means of transport or any other event that put in endanger the public safety, he shall be punished by imprisonment in the fourth degree. If the public safety

is placed in grave danger of explosions or experiments using radioactive substances, it applies imprisonment of sixth grade.

Art. 238

rescue Refusal

Anyone who, being present in a public disaster, calamity or epidemic, omit or delay of pay the aid, rescue or assistance to him rich esti authority or otherwise necessary, it shall be punished with imprisonment of first Instance.

Art. 239

Disaster Risk

Whoever causes the danger of a disaster by destruction or failure of production facilities, detention, transport of energy or removal of harmful residues of them; of dams, dikes or other hydraulic works

or defense against natural phenomena; by destruction, failure, interruption or obstruction of roads or other works and installations intended for public transport; or by bomb power, gas or other flammable or explosive materials or devices, shall be punished with imprisonment

second degree.

The prison has increased by one degree in the case of anti imp of radioactive substances or if the

disaster danger is caused by the hijacking of an aircraft in flight or about to take off

.

Art. 240

ground for road traffic

Whoever, except in cases covered by the first paragraph of the preceding Article and provided that it is not

exercise of the right of public assembly, prevents or impedes the circulation in any way | || on public streets, he shall be punished with imprisonment of first Instance or with the arrest of third degree or

with daily fine of the second degree.

Art. 241

Attacks on public health through environmental deterioration

Anyone in any way, even indirectly, escapes into the atmosphere, entering the waters currents , stagnant, surface or underground, on the ground of any substances neck nature and especially, also living

, which, by themselves or in connection with the air condition, water or places or quality or quantity, endanger public health, shall be punished by imprisonment third degree.

The penalty is increased by one degree for the spread, injection or placement of radioactive substances

.

Art. 242

Breach of public health through manufacturing, corruption, adulteration, commissioning circulation of foodstuffs or medicines

Anyone who manufactures or produces water or food substances or dangerous drugs for public health

; corrupt, adulterous or alter such waters or substances so as to render them hazardous; the

Introduces in the territory of the Republic or puts into circulation, he shall be punished with imprisonment of fourth degree.

For whoever takes trade also applies its fourth degree disqualification.

Art. 243

Breach of public health through manufacturing, corruption, adulteration, commissioning circulation of things for consumption

Anyone who manufactures or produces things for consumption, other than water or food substances or drugs

, they are dangerous to public health; the corrupt, adulterous or alters so make them dangerous; introduced into the territory of the Republic or circulating these things dangerous

, he shall be punished with imprisonment of third degree.

For whoever takes trade also applies its fourth degree disqualification.

Art. 244

Production, trade and illegal prescription drugs

Anyone who cultivates the plants from which they are derived oppi or prohibited drugs, extracts from them or otherwise

produces drugs, shall be punished by imprisonment in the second degree.

The same punishment he who without authorization introduces drugs in territory of the Republic, makes trade, has the purpose of making business or proxy other.

If the offenses punishable in the preceding paragraph are committed in violation of regulations or provisions

authority who is provided with government authorization, apply

's imprisonment and third-degree disqualification fourth degree from the authorization it.

It 'always added the fourth degree disqualification if the offender carries a health care profession.

Your doctor or veterinarian, in order to encourage the abuse, issues prescriptions drug without there being a need for healing or higher proportions of care needs to be punished with imprisonment of

third-degree and fourth-degree disqualification from the profession.

Art. 245

Destination premises for drug use

Anyone, without having taken part in the offense referred to in the previous article, a local adibisce

a conference of people who give the use of drugs is punished with imprisonment

first degree and second-degree disqualification from trade and from public office.

The same penalty applies to anyone who logs on to the local consume you for drugs.

Art. 246

Anyone deterioration of the natural environment in any way, even indirectly, and outside the cases provided for in Article 241,

escapes into the atmosphere, it enters in the running waters, stagnant, surface or underground, ranks

ground substance of any nature and especially, even living, adequate, by themselves or in connection with

was air, water or places or quality or quantity, to determine modifications or alterations

the natural environment, such as influenzare adversely the life and development of living organisms

necessary ecological balance, or otherwise liable to affect the use

water as domestic, agricultural and industrial, shall be punished by the imprisonment of the second degree.

The conviction carries as civil obligation, the reinstatement at his own expense of damaged area.

CRIMES Art. 247

The Disaster culpable culpable disaster shall be punished with imprisonment of third degree.

If the crime is committed by people involved in the prevention, will jointly apply

third degree interdiction from public office, profession or art.

Art. 248

attacks negligent public health

Attacks on public health committed by the deterioration of the natural environment as well

through manufacturing, corruption, adulteration, entry into service of food substances or drugs or to things destined

consumer, committed the fault, are punished with imprisonment second degree.

Art. 249

The deterioration of the natural environment involuntary manslaughter natural environment deterioration is liable to a fine Lire and imprisonment of first instance.

It applies the second paragraph of Article 246.

Art. 250

negligent failure to comply with requirements for drug

Anyone not looking to blame the authority requirements, introduced in the territory of the Republic

, distributes, or possesses for the purpose of putting them into circulation, substances narcotics, shall be punished with imprisonment of first Instance.

FINES Art. 251

Manufacture, entry into service, shoot, illegally carrying weapons, bombs, explosives and flammable materials or explosive

And 'punished with imprisonment of First Instance or with the arrest of the second degree, anyone without the required authorizations

:

1) factory, introduces in the territory of the Republic, it puts into circulation, has the aim of putting into circulation

own weapons, bombs, gases or explosives or inflammable materials or explosive

;

2) shines mines;

3) shoots guns, lit fires of artifice, rocket launchers, or cause ignition or explosion dangerous inhabited place or direction of it;

4) carries out his own weapon from his home.

Art. 252

Omission of cautions on weapons, bombs, gasordigni

It 'punished with imprisonment or a daily fine of third degree anyone:

1) fails to render harmless or to complain to the authorities bombs or other unexploded explosive or flammable

he found;

2) lower delivery person of sixteen years or incapable of understanding or want to own weapons,

bombs, explosives or explosive or flammable materials, or bring them to him leaving neglect the necessary precautions to prevent that if seize them;

3) without just cause outside the door of their house or vicinity of it a weapon improper

.

Art. 253

Removing or omission of cautions against road accidents, accidents at work or public disasters

'punished by imprisonment or second degree daily fine of third degree

anyone who fails to place the prescribed signs, shelters, equipment or systems intended to

prevent road accidents, accidents at work or public disasters or removes them or hurts them.

Applies imprisonment second degree who, in the treatment of radioactive substances, omits precautions necessary to prevent the danger of ionizing radiation to the detriment of the people.

Art. 254

jet or dangerous placement of things, failure to repair of buildings, cut the top of the Mount, tree felling

And 'punished with first degree imprisonment or a fine of a second-degree daily anyone:

1) in a public place or where competition makes people throw things, and liquids, harmful dust that causes the emission of gases acts to harm oam lestare people;

2) without the affordable caution in public places or places where there is gathering things that may endanger persons or deface;

3) being bound to the preservation of buildings that threaten ruin, fails to provide for the necessary work

ie, there being maintained, fails to put in place the necessary cautions to prevent damage to persons or property;

4) cuts the top of the Mount, dig tunnels, or will it affect the base or the side without the required authorization

;

5) breaks down or dries trees without the required authorization.

Art. 255

Failure custody of vehicles, omitted custody and illegal possession of animals

It 'punished with the penalties mentioned in the previous article, anyone:

1) in public or place open to the public abandons u motor vehicle without take precautions to prevent movement

;

2) entrusts a motor vehicle in inexperienced person;

3) fails to keep, abandoned to themselves or are released by the dangerous animals.

It 'punished by the rebuke anyone who takes in the towns of the Castelli City or animals from the barn or backyard

no authority license.

Art. 256

Manufacture, introduction, illegal trafficking of drugs or poisons

It 'punished with imprisonment of First Instance or with the arrest of third degree anyone, without the required authorization

, factory, introduces in the territory of Republic, puts in circulation or holds in order to put them into circulation medicines or poisons.

Art. 257

Failure to Report a serious mental illness or epidemic diseases

he 'punished with disqualification of First Instance and the daily fine on appeal, the operator of a health profession who does not observe the obligation to report to the health authorities

contagious illness or mental infirmity by which the person is afflicted brought to its assistance and that

makes it dangerous for themselves or for others.

Art. 258

improper sanitation and 'punished with a fine of lire anyone who carries entries, discharges or deposits of any nature and species to water, air or soil, without the required authorization.

Art. 259

legitimate order Disregard Authority

It 'punished by imprisonment for second degree anyone who fails to comply the order legitimate authority, issued relating to safety, health, hygiene and public order .

## Chapter II CRIMES AGAINST RELIGIOUS FAITH AND FEELINGS TOWARDS THE DEAD MISDEEDS

Art. 260

Insult of religion

Anyone secular symbols of a religion not cotraria morality, it profane objects of worship or veneration

publicly that it mocks the acts of worship is puntio with

First-degree imprisonment.

The same penalty applies to offenses committed to the honor and prestige of a minister during the year or due to performance of his duties.

Applies imprisonment second degree to those who profane the sacred relics of San Marino.

Art. 261

Violation of religious REEDOM

Anyone with violence or threats prevents anybody to profess a religious faith, to make propaganda or to participate in public or private worship it, shall be punished with imprisonment || | second degree.

Art. 262

Disruption religious

Anyone who prevents or disturbs the exercise of functions, ceremonies and religious processions that

accomplished with the assistance of a minister, shall be punished with imprisonment of First Instance.

If the offense is committed with violence or threats, the penalty is increased by one degree.

Art. 263

Insult corpse

Anyone who vilifies a corpse, removes or disperses the esti, shall be punished with imprisonment for second degree

.

Art. 264

Destruction, suppression or removal of the corpse

Whoever destroys, suppresses or removes a dead body or a part thereof, he shall be punished with imprisonment of

third degree.

Applies imprisonment second degree if ccultamento.

Art. 265

burial Violation

A person who commits violation of a tomb, a tomb or funerary urn, shall be punished with

imprisonment  
second degree.

Art. 266

Disruption funeral

Whoever commits disruption of a funeral or a memorial service, shall be punished with imprisonment of first instance.

If the offense is committed with violence or threats, the person has increased by one degree.

FINES Art. 267

Blasphemy or outrage against the dead

It 'punished with a reprimand or a fine in days of First Instance anyone publicly blasphemy.

The same punishment those who publicly utters insulting expressions against the deceased and lawsuit proceeds to the next joint.

### Chapter III CRIMES AGAINST MORALITY 'PUBLIC MISDEEDS

Art. 268

Trafficking for prostitution

Everyone who comes to end prostitution persons abroad, shall be punished with imprisonment and disqualification

fourth degree by political rights, from public office, profession or art.

The prison has increased by one degree if the offender:

- 1) acted in liaison with organizations operating in the territory of different States;
- 2) it used force, threats or deception committed kidnapping.

Art. 269

Induction into prostitution Causing others into prostitution shall be punished with imprisonment and third-degree disqualification

political rights, from public office, profession or art.

The imprisonment is increased by one degree if the crime is c mmesso:

- 1) using violence, threats or deception;
- 2) in the minor under the age of eighteen, or who is in the infirmity conditions or mental deficiency;
- 3) to the detriment of ascending, descending, akin in a straight line, adoptive parent, adopted, spouse, brother or sister

.

Art. 270

a house of prostitution Tenuta

Anyone who holds a house of prostitution or hires locazi it a property for it to be designed for that

use, shall be punished with imprisonment and third-degree disqualification from rights politicians, public

offices, from the profession or art.

Who runs a house of prostitution, is lending a business or a service of collaboration, he is punished with imprisonment

second degree. Art.271

Pimping Anyone repeatedly exploits the prostitution of others, shall be punished with imprisonment and second-degree with third-degree disqualification from political rights, from public office, the profession or dall'rite. Applies the captivity of the third degree if the offender also facilitates and prostitution.  
Art. 272

Anyone Facilitation of prostitution in any way facilitates or encourages prostitution to serve the lust of others, he shall be punished with imprisonment of First Instance.

Art. 273

Expulsion of foreign sex workers

It 'expelled from the territory of the stranger Republic that makes profession of prostitution.

Art. 274

libidinous acts with persons of the same sex

Anyone who habitually commit acts of lust conpersone of the same sex shall be punished, whether by

fact causes public scandal, with first-degree imprisonment and disqualification second degree political rights and public offices.

Art. 275

Acts and obscene depictions

Anyone who publicly performs offensive acts of sexual modesty, is punishable by imprisonment first instance.

Applies imprisonment second degree if the indecent assault went through the communications social

.

Art.276 Other attacks morality

Anyone, through company documents addressed to an indiscriminate public, is actions or things that - taking into account the particular sensitivity of minors of 18 years - are effective in

excite them to violence, cruelty, hooliganism, sexual corruption that are effective in offend in them the sense of cohesion to the family unit, shall be punished with imprisonment of second degree.

Art. 277

Interdiction from parental authority and protection

If the offenses provided for in Articles 268, 269, 272 and 74 are committed by parents, adopter or guardian

to the detriment of the child or the protege, respectively, It is applied, together with the other penalties provided for them

, the interdiction from parental authority and protection.

FINES Art. 278

Acts of pimping, prostitution scandalous

It 'punished by imprisonment or second degree daily fine of third degree anyone:

1) in a public place, open to the public or otherwise lu go where the competition is people, it invites others to lust

with requests, proposals, offers or with attitudes and provocative gestures;

2) by means of social communication it offers his or prostitution of others or require the enter into a relationship with an addict to prostitution;

3) parked ostentatiously in public place or open to the public in order to obtain or meet customers

;

4) practicing prostitution in their home brings scandal to cohabiting or neighbors.

Art. 279

usual tolerance of prostitution in public exercises

It 'punished with disqualification of First Instance from the market and the relevant governmental authorizations or licenses

, anyone holding a hotel, mobiliata house, guesthouse, peddling drinks, circle, local dance, a place of entertainment or other local vered to the public, usually tolerate in them or in their dependencies

the presence of one or more 'people who engage in prostitution.

Art. 280

production or putting into circulation of abusive alcoholic, abusive administration

It 'punished with disqualification of First Instance from the trade and from any authorization or license

government or with the daily fine of third degree:

1) whoever without authority permit or without following the factory prescriptions, produces, introduces

in the Republic, it puts into circulation or possesses for the purpose of putting them into circulation

alcohol, liquor, alcoholic beverages or superalcoholic;

2) anyone who, being in charge of a public exercise, administering, makes administering or allowing administering

that other alcoholic beverages out of the time of sale;

3) anyone who administers alcoholic beverages to a person in a state of obvious intoxication.

Art. 281

Drug Abuse, drunkenness, participation in gambling

It 'punished with first degree imprisonment or a fine of a second-degree daily anyone in public place

, open to the public or in private clubs, it read:

1) in a state of severe mental impairment for abuse rooms;

2) in a state of obvious intoxication;

3) while taking part in a game of chance.

It applies the first-degree imprisonment in case of ab tuality in the abuse of drugs or drunkenness.

The same penalty applies to those who keep the house or circle for games of chance.

The game of chance is when its purpose is to profit and the outcome of it is, at least in part, aleatory.

Art. 282

Acts indecent, obscene language, animal abuse

It 'punished with first degree imprisonment or a fine of a second-degree daily anyone:  
1) in a public place, open to the public or places from which can be seen or heard by the public, performs acts contrary to public decency or uses No foul language;  
2) in a public place or open to the public mistreat animals, subjects them to trials so arouse disgust or unnecessarily kills them;  
3) by means of social communication describes, illustrates, represents or reproduces the actions indicated in the two previous numbers.

#### Art. 283 Begging

Whoever does craft begging is punished by imprisonment for second degree.  
It applies the first-degree imprisonment jointly interdiction of third degree by political rights who promotes or directs an organization of begging, begging induces a minor the age of eighteen or a person incapable that hires them.  
It 'punished with imprisonment or a daily fine of First Instance the petulant begging.

### Chapter IV CRIMES AGAINST PUBLIC ORDER MISDEEDS

#### Art. 284 Civil War

Anyone who commits an act intended to arouse the civil war in the territory of the Republic, is punished with imprisonment and disqualification in the fourth degree by political rights and public school and office supplies.  
The imprisonment is increased by two degrees if the event occurs.  
Art. 285

Revolt armed person who commits a fact seeks to impute in arms the inhabitants of the Republic against the powers public, shall be punished with imprisonment of third-degree and fourth-degree disqualification from public | || offices and political rights.  
The imprisonment is increased by two degrees if the event occurs.  
Who takes part in the riot shall be punished with prigiona second degree.  
Art. 286

Anyone devastation and looting, so as to disturb public order, accomplished facts of devastation or looting shall be punishable if the fact constitutes a serious crime, with imprisonment and disqualification third degree by political rights and public offices.

#### Art. 287

#### Conspiracy

The association of three or more 'people, to run a criminal activity plan, an offense punishable by imprisonment third-degree and fourth-degree disqualification from rights political and public offices

.  
The prison sentence is increased by one degree if the organization members in weapons campaigns or public

streets.

Art. 288

Prohibition of armed forces

Anyone without permission form an armed corps, shall be punished with imprisonment and disqualification

second degree political rights.

Art. 289

Incitement to commit a crime Whoever publicly incites to commit a crime shall be punished with imprisonment of First Instance.

The same punishment those who publicly, by exceeding the critical limits, makes the apology of a

fact that the law provides for such wrongdoing.

The penalties are increased by one degree if the crime is committed by using social communications. Art.290 Rissa

Anyone who takes part in a violent dispute between two or more 'people who can cooing public order,

is punished with the arrest of the third degree.

Applies imprisonment second degree if in the course of the brawl is used weapon proper or improper

or other means to offend.

FINES Art.

291 Non-compliance of the order of public meetings

dissolution E 'punished with the arrest of the second degree, anyone participating in a meeting or a gathering

in a public place or open to the public, fails to comply order legitimate

dissolution, gave authority for reasons of impending riots or crimes they committed that constitute a present danger to the safety is public order.

Art. 292

And Dissemination of false news' punished with first degree imprisonment or a fine of a second-degree daily, anyone in any way

disseminates false information affecting the maintenance of law and order.

Art. 293

disturbance of the public peace

It 'punished with a reprimand or a fine day in the second degree:

1) who by any means or instrument that is noisy with chatter disturbs gatherings, the || | public performances, occupations or the rest of the citizens;

2) those using the phone or in a public place or open to the public harassing people or it disturbs the peace or other objectionable petulance for reason;

3) a member of a profession or a noisy craft against the law or authority

that is, use in public place instruments sound reproduction or amplification, over the volume and time limits laid down by ' authorities.

Art. 294

Violation of provisions on public exercises

It 'punished with second-degree daily fine and disqualification of First Instance by trade, whoever holds no public authority licensing the wings accommodation, dining, entertainment, show or detention.

It 'punished with daily fine of First Instance and chiunq:

1) being the holder of public accommodation spaces, dining, entertainment, show or entertainment,

does not observe the provisions and legal orders data authority;

2) fails to report the presence of a foreign authority which has given accommodation, within 24 since his arrival.

## Chapter V CRIMES AGAINST PUBLIC FAITH MISDEEDS

Art. 295

Tangible fraud in public documents

A public official who in the exercise of its functions forges or alters a public act, it punished with imprisonment and third-degree disqualification from public office.

The prison has decreased by one degree if the crime is committed by an individual.

Art. 296

ideological Forgery of public acts

A public official who in the exercise of its functions falsely certify facts or statements

As having occurred or made, contrary to the truth, or omits or distorts the facts or statements occurred or received, he shall be punished by imprisonment and third-degree disqualification from public office.

The penalties are reduced by one degree, if the public official shall issue a certificate or a certificate,

opposed to truth, of facts that the act is intended to prove.

Art. 297

private False statements to the officer

It 'punished with imprisonment or with the arrest of the second degree or third-degree daily fine private

making it to the officer of a public document misrepresentation of facts that the act is intended to try

.

Art. 298

ideological Falsehood committed by public operators exercises

The operator a health profession or other public service, which shall then issue a certificate or declaration

, contrary to truth, of facts that the act is intended to try, he shall be punished with imprisonment second degree or by a fine of the third degree days.

The penalties apply concurrently if the certificao or attestation should be issued for profit.

Art. 299

Forgery of private writing

Anyone who counterfeits or alters a private agreement, by using it to procure for himself or others an advantage, or

to bring harm to others, shall be punished with imprisonment of First Instance and with

daily fine second degree.

The penalties are increased by one degree if the fake is committed in a credit instrument in bearer or transferable by endorsement

.

Art. 300

Using false documents

The penalties established in the preceding Articles shall also apply to those who make use of false documents, without being competition in falsehood.

Art. 301

suppression of true acts

Anyone who suppresses or conceals a true public act, shall be punished with the penalties set out in Article 295.

Subject to the penalties set out in Article 299 chiunq and suppresses or conceals a private agreement

true to procure for himself or others an advantage, or p bear damage to others.

Art. 302

Replacing person

Anyone publicly exchanges his person or another's is credited with the opposite sex or a false name or status, provided that the harm that may arise, shall be punished with imprisonment

first instance.

## Chapter VI CRIMES AGAINST THE ECONOMY PUBLIC MISDEEDS

Art. 303

Destruction of wealth of the Republic Anyone, destroying raw materials, products or agricultural or industrial plants or endangering the livestock of the Republic, causes serious harm to the overall economy, he shall be punished with imprisonment and with a daily fine of third degree

.

Art. 304

Misuse of tourist movement

Anyone who disseminates false information or uses altrirtifizi to deflect from San Marino tourist movement, shall be punished by imprisonment and daily fine of First Instance.

Art. 305

Agiotage Anyone with false or biased news or other fraudulent causes an alteration in the price of goods or public or private values, he shall be punished with imprisonment for second degree and the third-degree disqualification from trade.

Art. 306

Boycott economic

Anyone for economic purposes leads another to nons mministrare raw materials or tools or to not buy or sell agricultural and industrial products, causing serious injury to

boycotted persons, shall be punished with imprisonment and daily fine of second degree

.  
Art. 307

Counterfeiting, alteration, use of tickets for public transport

Anyone who counterfeits or alters tickets for public transport, or purchases, holds for put into service or make use of such tickets, counterfeit or forged, He shall be punished with imprisonment of

first degree and the second degree daily fine.

Art. 308

Counterfeiting and altering of marks works ll'ingegno or product trademarks

Anyone who counterfeits or alters Marks d ll'ingegno works, brands of industrial or agricultural products

when were observe the relevant legal provisions or internazioali conventions, or make use of such trademarks or counterfeit marks or altered, shall be punished with imprisonment and with daily fine second degree.

The same penalties apply to those who puts into circulation the products or works with brands or

counterfeit or altered marks or introduces them in the territory of the Republic, buys them or has to put them in circulation.

Art. 309

products and intellectual property with signs acts to deceive

Anyone manufacturer, introduces into the territory of the Republic or has to put them in circulation

Intellectual, industrial or agricultural products with names, marks or signs acts to deceive origin, source, quality or composition of the product and of the work, shall be punished, as long as the fact

it is envisioned as more 'serious crime, with imprisonment of second degree or a fine in lire.

Art. 310

Sale of non-genuine products

Anyone who holds for sale or puts into circolazi will not genuine products is punishable by first-degree imprisonment or a fine of a second-degree daily.

Apply imprisonment and daily fine of second degree in the case of food products aimed at children

.  
Art. 311

Prohibition from trading

For the offenses predicted in articles 308 and 310, second paragraph, under the penalties established is added

disqualification from second-degree business.

Art. 312

Selling products without the prescribed information

Anyone who puts into circulation, or purchases or detien for putting into circulation products intended for consumption

no indication of origin, provenance, quality or composition, when such news is prescribed by law or authority, it shall be punished by a fine of lire.

Art. 313

Misleading Propaganda the intellectual, industrial or agricultural products

Anyone through social communications makes the op intellectual kings, in industrial or agricultural products

propaganda liable to mislead the public on the origin, provenance, quality or composition thereof, he shall be punished with first-degree imprisonment or a fine in lire.

Art. 314

Prohibition of cross-holdings

The directors or directors of a legally recognized company and account for same, even through a third party, shares of u'altra company that has control over it, | || are punished with first-degree imprisonment and daily fine of the third degree.

Art. 315

Unlawful distribution of profits

The directors or directors of a legally recognized company which, under any form , pay fictitious profits or which may not be distributed, shall be punished by imprisonment of first degree and with the daily fine third degree.

Art. 316

False communications administrators, directors, auditors, liquidators of a legally recognized company, which

in relations with the shareholders or the shareholders' meeting social communications, financial statements or other acts

official expose fraudulent facts untrue on the economic situation of the company or asset or conceal economically relevant facts, they shall be punished by imprisonment second degree, with a fine of pounds and with third-degree disqualification.

Art. 317

Prohibition of hidden reserves

The directors or directors of a legally recognized company which, through artificial exposures budgets, distract income which should be deployed to build up reserves occult capital

, are punished with imprisonment of first instance and with the daily fine third grade.

CRIMES Art. 318

Unintentional destruction of wealth of the Republic

When the fact referred to in Article 303 is committed culpably applies the first-degree imprisonment.

FINES Art. 319

Abuses in procurement of goods and commodities

It 'punished with a fine by days of the third degree and second-degree disqualification from trade anyone

:

1) introduced into the territory of Republic or export goods and commodities against the authority orders

or quantity different from that permitted;

2) puts into circulation goods or commodities in violation of the standstill lawfully authority;

3) responsible authority, delays or neglects the collection of goods or supplements or distracts the goods or collections commodities.

Art. 320

Sale of goods to higher price; Ex petulance ye ar trade

It 'punished with a fine of second-degree daily trader:

- 1) who sells or offers for sale consumer goods at a higher price than that established by ' authorities;
- 2) that with petulant demands on the public invites you the public to enter their own exercise or buy their wares.

Art. 321

Abusive collection of savings of citizens

It 'punished by imprisonment for second degree or a fine in lire, anyone without permission authority or beyond the permitted limits, or Emett placing corporate bonds or otherwise making the public collection of savings.

Art. 322

construction without a building permit

It 'punished by imprisonment or second degree daily fine from second grade to third grade

Anyone without licensing authority, shall carry out a new building or the reconstruction, enlargement or the raising of an existing building.

The judge, after hearing the non-binding opinion of the Commission of Public Works and construction, may order the demolition of unauthorized works.

Art. 323

stone excavations, prospecting, occupation of public land made illegally

It 'punished with a fine of second-degree daily anyone without authority license:

- 1) runs on Mount stone excavations;
- 2) makes minerals research;
- 3) occupies the ground intended for public use with steps, thresholds, plinths, showcases, kiosks or other objects or systems.

## TITLE IV CRIMES AGAINST THE STATE

### Chapter I CRIMES AGAINST THE REPUBLIC MISDEEDS

Art. 324

Breach against the territorial integrity and the freedom of perpetual San Marino

Anyone who commits an act aimed at subjecting the t rritorio Republic of the sovereignty of a State or to another

restricting the freedom or independence of San Marino, shall be punished with imprisonment seventh grade and fourth-degree disqualification from public offices and political rights.

Art. 325

The Betrayal of San Marino San Marino citizen, who takes intelligence with a foreign state at the end of hostilities against

Republic or in any way facilitates the hostile activities of a foreign state at the expense of the Republic, shall be punished with imprisonment from fifth to sixth grade and disqualification from public offices and political rights.

Art. 326

Intelligence with foreign state against the integrity and freedom of San Marino  
The citizen who takes intelligence with a foreign State to perform one of the facts anticipated in Article 324 shall be punished with imprisonment from fifth grade to sixth grade and fourth grade disqualification from public offices and political rights.

Art. 327

Enlistment for a foreign State

Anyone who enlists citizens in the territory of the Republic of San Marino for military service of a foreign state shall be punished by imprisonment for second-degree and third-degree disqualification from the political rights.

Art. 328

Espionage  
Whoever obtains information that must remain secretarial in the interest of the Republic in order to communicate to a foreign state or its emissaries, he shall be punished with imprisonment of third degree.

Art. 329

The Secret Revelation of political public official who reveals a story that must remain secret in the interest of the Republic that facilitates knowledge by others, shall be punished with imprisonment of one third degree and fourth-degree disqualification from public offices and political rights.

Art. 330

usurpation of state authority

Engaging arbitrarily in the territory of the Republic political or military acts incumbent a public authority, shall be punished with imprisonment of third degree.

The prison has increased by one degree in the case of arrest of the person who is in the territory of the Republic

, for the account or sent to foreign state.

If the offense is committed by a San Marino, imprisonment is added the fourth degree disqualification from public offices and political rights.

Art. 331

Infidelity in affairs of State

Anyone in charge of dealing with affairs of state of foreign State Government, it is unfaithful to sent his way adversely affect the interests of San Marino, he shall be punished by imprisonment, a fine of in days and the third degree disqualification.

Art. 332

Destruction of documents relating to the political interest of the Republic

Anyone, by destruction, removal, concealment, falsification of records or documents concerning the political interests of the Republic, brings harm to San Marino, shall be punished with

prison third degree.

The penalty is increased by one degree and jointly applies the interdiction of fourth degree public offices, if the offense is committed by a public official.

Art. 333

San Marino activities abroad against the good of the Republic

The citizen who outside the territory of the State organizes the dissemination of false news, such as

hurt the economy of San Marino abroad shall be punished with imprisonment for second-degree and third-degree

disqualification from public offices and political rights.

Art. 334

hostile acts against a foreign State

Engaging in hostile acts against a foreign state in order to expose the Republic in retaliation or otherwise so as to cause serious disturbance to the relations between the two States, shall be punished by

the prison third degree.

Art. 335

offense in a foreign state representative

Anyone publicly in the Republic offends a representative of the foreign state

present in San Marino in that capacity, it shall be liable, at the request of the Captains Regent, with

captivity second degree.

Art. 336

Breach of the heads of foreign state

The attempt on the life, integrity or liberty of foreign heads of state in the territory of the Republic, shall be punished with imprisonment and disqualification last degree.

Art. 337

Attack on the Constitution of the Republic or form of government

Engaging in direct made to change the Constitution of the Republic or the form of government with

violent means or otherwise not permitted by law, shall be punished with imprisonment and disqualification of fourth degree

political rights.

Art. 338

Insult of the Republic and its emblems

Whoever publicly vilifies the Republic of San Marino, its flag or its other emblem, shall be punished with imprisonment of the second degree.

If the offense is committed by a citizen of San Marino, shall remain applicable in the interdiction of

fourth degree.

Art. 339 Conspiracy

When three or more persons agree to commit one of the crimes mentioned in Articles 324 and 337

well as in article 341, shall be punished, if the offense is not committed, with imprisonment second degree and third-degree disqualification from public offices and political rights.

Are not punished the participants that, by withdrawing from the agreement, inform the authorities.

#### CRIMES Art. 340

Revelation culpable secret

The Regents captains, members of the Great and General Council, the Secretaries of State or diplomatic representatives, who because agevolan knowledge of information that must remain secret

in the interest of the Republic, they shall be punished with disqualification of first Instance by political rights and public offices.

### Chapter II CRIMES AGAINST PUBLIC AUTHORITIES MISDEEDS

#### Art. 341

Breach to the Captains Regent

Whoever commits an offense against the life, integrity or personal freedom of the Captains Regent, shall be punished with imprisonment and disqualification at last instance.

#### Art. 342

Offense to the honor of the Captains Regent

Anyone who offends the honor or prestige of the Captains Regent, shall be punished with imprisonment for second degree

.

#### Art. 343

Misdemeanors against the life, integrity or liberty of persons invested political powers  
When crimes against life, integrity or personal liberty are committed to the detriment of the members of the Council Great and overall, the Congress of State and the Council of the Twelve, the Secretaries of State, Judges of the Republic and the Attorney of the Treasury, apply the penalties for each established, increased by one degree.

#### Art. 344

Offense to the honor of people vested with public powers

If the offended the honor and prestige went to one of the persons mentioned in the previous article you applies the first-degree imprisonment.

#### Art. 345

Provision common

If the offense to the Captains Regent and those who are invested with public authority faces in them presence, the penalties provided for respectively in Articles 342 and 344 are increased by one degree.

#### Art. 346

Attempt against the authorities

Engaging in direct made to prevent the Captains Regent, the Great and General Council and the its Members, the Congress of State and the Council of the Twelve and their members, to

secretaries of State,  
to the Judges of the Republic, the Attorney of the Treasury the exercise of constitutional  
functions  
delegated to them or to cause them to Miss oni illegally or termination, shall be punished with  
imprisonment and with  
'disqualification in the fourth degree by ir political cts.

Art. 347

Attack on the freedom of public authorities

Anyone who uses violence, threats, deceit or offers or promises to influence utility  
benefit of themselves or others, the Captains Regent, the Great and General Council, the  
Congress of State, the Council of the Twelve  
or their members, the Judges of the Republic or the Prosecutor of the Treasury in the  
fulfillment of their official functions, shall be punished with imprisonment and third-degree  
disqualification from  
political rights.

FINES Art. 348

disturbance of public meetings or hearings

It 'punished with first degree imprisonment anyone in the sessions of the Great and General  
Council, in public  
events presided over by the Captains Regent or in the hearings of the Judges || | Republic, in  
words or acts disturbs the sessions, events or hearings.

### Chapter III CRIMES AGAINST PUBLIC JUSTICE MISDEEDS

Art. 349

offense at the hearing to the collaborators of the judge

Anyone in open court offends the honor or the prestige of a chancellor, an expert, an interpreter  
, a witness or other employees of the court, he shall be punished with imprisonment for first  
degree

.

Art. 350

Anyone Failure to report, there being required by law, fails to file a complaint or report the crime  
to the judge or public official  
which should report back to him, shall be punished with first degree imprisonment.  
If the offense is committed by an official or police officer or by a traffic policeman, it applies  
second degree interdiction from public office.

Art. 351

arbitrary arrest and release A public official who arbitrarily proceeds to an arrest or omits a  
release  
, shall be punished with imprisonment for second-degree and fourth-degree disqualification from  
public offices.

Art. 352

arbitrary treatment against detainees

Whoever, having the custody of the person arrested, de Enuta or subject to security measures prison, submit it to a disallowed penalty treatment, it shall be punished with imprisonment of first degree and with third-degree disqualification from public office.

The imprisonment is of the second degree if the act results in any of the events specified in Article 156 and third degree if the death comes.

Art. 353

Home Search made arbitrary

The public official who, abusing the powers inherent to its functions, we introduce or retain in another's home or in another private place of stay or exercise of activity, shall be punished by the first-degree imprisonment and third-degree disqualification from public office.

Art. 354

unfaithful Patronage The lawyer, the prosecutor or the technical adviser, who favors the opposing side

maliciously or willfully cause, to the detriment of their customers, the loss of a right, the lite or the passage giudicata of a judgment shall be punished by a fine of lire and disqualification fourth degree by profession.

The same punishment applies to the lawyer, the prosecutor or the expert who lends his advocacy or her advice, even through a third party, at the same time against itself.

In the fine is replaced imprisonment second degree if the offense is committed against a defendant

of wrongdoing punished with imprisonment of degree higher than the third.

Art. 355

Prevarication the notario

The notary who roga an act in the interests of the person he already assisted to the same object as

attorney or prosecutor, shall be punished extent that leads p egiudizio to one party, with a fine by

days and with the third-degree disqualification from the profession.

Art. 356

Anyone Simulation of crime brought to the attention of the judge or of a public official who is required to

riferirglielo, a crime who can not be done or it simulates the traces so that you can start criminal proceedings to ensure it, shall be punished with imprisonment of first Instance.

Art. 357

Slander and autocalunnia

Anyone, through direct complaint or lawsuit to a court or a public official who has the obligation to

riferirglielo, blames a misdeed anybody he knows innocent or simulates borne

him the traces of a crime, shall be punished with imprisonment from second to third grade.

Applies imprisonment second degree if the accusation agent himself of a crime or a crime by he did not commit.

Those sentences are lowered by one degree if the incrimination concerns a misdemeanor.

Art. 358

False witness, expert opinion, interpretation

The falsehood of the witnesses, experts, and interpreters made to the judge in any process, not litigation, shall be punished with imprisonment of the second degree.

The culprit is not punishable if it portrayed the false and manifests the true before the proceedings is

pronounced judgment or other ruling of first instance.

Is not punishable, also when by law should have been advised of the right to abstain.

Art. 359

Anyone False oath of the party as a party in civil proceedings swears falsely shall be punished by imprisonment in the second degree.

Art. 360

Breach of freedom of witnesses, experts and interpreters

Anyone who uses violence, threats, deceit or offers or promises utilities in order to prevent

a witness, expert or interpreter to fulfill their function or in order to

make a false testimony, expert opinion or interpretation shall be punished with imprisonment of the second degree.

Art. 361

evidence of suppression or immutazione Whoever, apart from cases of complicity in the crime and with the intent to mislead the court, immuta

status of places, things or persons who may be subjected to an act of inspection or judicial experiment

or suppresses, removes or conceals any other object or piece of evidence

, he shall be punished with imprisonment of the second degree.

The penalty is increased by one degree if the crime is committed in order to provoke the condemnation of an accused

.

Art. 362

Aiding Whoever, apart from cases of complicity in the crime, helping someone to evade the authority

research or to make the product or profit of r ato, shall be punished with imprisonment or with the 'interdiction

second degree political rights.

There is punishable ascendant, descendant and spouse who helps a spouse to evade to searches.

Art. 363

Evasion Whoever, being legally arrested, imprisoned or subjected to custodial security measure,

escapes, he shall be punished with imprisonment of First Instance; but the penalty is reduced within the limits of Article 93

if the escapee is constituted within a month.

If the offense is committed with violence to people from more 'gathered inmates or with rebellion, it is

applies the captivity of the second degree; but the penalty is reduced by one degree if the escapee is constituted

in the previous term.

The penalties provided for in the first subparagraph shall apply to convicted or all'internato that taking advantage of the freedom granted to the daily work outside or for a permit or license experiment will abscond in order to evade the execution of imprisonment or measure well as the convict who escapes imprisonment atonement postponed by articles 100, 101, and 102 CP

About having the custody of the person indicated in first paragraph, procures or facilitates the escape, shall be punished with imprisonment second-degree and fourth-degree disqualification from public office, but those penalties are reduced by one degree if the offender procures constitution of the convict in one month.

Art. 364

Breach of interdict obligations

The condemned interdiction that violates the relevant obligations, shall be punished with imprisonment of first instance.

Art.

365 Non-compliance of the deportation order

A foreigner who violates the order of expulsion from the territory of the Republic, shall be punished with imprisonment second degree.

Art. 366

Non-compliance with obligations imposed by the civil judge

Anyone who fails to comply or otherwise evades the execution of a court judgment, concerning the custody of children or other persons incapable or that prescribes measures precautionary in defense of property, possession or credit, shall be punished with imprisonment of first Instance and daily fine of third degree.

Art. 367

Anyone Reason shewn, to exercise an alleged right, when he could go to court, you do the same reason as if using violence or deceit against presone or changing the status of places, you punished, in one offended lawsuit, with first-degree imprisonment, with the arrest of the second degree or with daily fine third degree.

It is not punishable if committed the act as an immediate consequence of the arbitrary way in its damage to avoid the effects.

CRIMES Art. 368

procured evasion culpable

Anyone, even having temporary custody of a person arrested or detained for a offense or subjected to a custodial security measure, it causes by negligence evasion, shall be punished by || | interdiction second degree from public office.

The culprit is not punishable if within three msi from escaping prosecution capture or presentation to the authority of the person escaped.

FINES Art. 369

Next patronage of adverse parties

It 'punished with a fine by days of third grade the lawyer or the prosecutor who, after having initiated

to the defense of a part, takes on the patronage in favor of party.

Art. 370 Failure to report

And 'punished with disqualification of First Instance or with the daily fine third degree the operator a health profession, which fails to make the scoresheet for injuries or illnesses that

They may submit

criminal offenses, always when the report does not expose the assisted person to criminal prosecution.

#### Chapter IV CRIMES OF PUBLIC OFFICIALS AGAINST PUBLIC ADMINISTRATION

MISDEEDS Art. 371

Embezzlement of public official

A public official who, for reasons of his office having possession or availability of moveable Administration or private, appropriates or distracts profitably unfair for themselves or for others, shall be punished by imprisonment and a fine of days as well as with third-degree disqualification fourth grade from public offices and political rights.

The penalty is reduced by one degree if the thing stolen or distracted is assumed by the court of negligible value.

Art. 372 Extortion

A public official who, by abuse of his qualities or of his functions, inducing a more fear, you give or promise, for himself or for others, any use not due, he shall be punished with imprisonment and daily fine as well as third-degree disqualification from public offices and political rights fourth degree.

The same punishments apply if the offense is committed by a public servant who is not a as a public official.

Art. 373

Corruption A public official who receives for himself or for others any use not due or it accepts a promise to commit an act contrary to the d true of his office, shall be punished by imprisonment and disqualification from public offices and political rights from the fourth grade as well as with daily fine third degree.

The sentences are lowered by one degree if the act is to be done in your office.

At the same penalties underlies the civil servant who is not a public official.

The penalties mentioned in the preceding paragraphs are applicabi also who gives or promises the utility.

Art. 374

Acceptance of utilities for an act already accomplished

A public official or public employee who has no such capacity, who receives compensation for an act of already taken office, shall be punished with imprisonment of first Instance or with the daily fine third degree.

The same penalty applies to those who give the reward.

Art. 375

private

Interest in the official records public official or public employee who has no such capacity, which in performing an act

your office takes you a private interest for themselves or for others, through nominees or by simulation, shall be punished by imprisonment and a fine of second-degree daily as well with the third-degree disqualification from public offices and political rights.

Art. 376

Abuse of Authority A public official of the powers inherent to its functions to procure for himself or others an advantage

or to bear other damage, is punished, if the offense is not more 'serious offense, with first-degree imprisonment or a fine in days of the third degree and with third-degree disqualification from public offices

.

Art. 377

Revelation of official secrets

A public official or public employee who has no such capacity, which revealed to strangers news constituents official secrets, is punishable by imprisonment for second degree.

Art. 378

omission of official acts

A public official who without just cause delays, neglects or refuses to perform any act of his office, shall be punished with imprisonment or with the terdizione by public office or a fine in

days of first Instance.

If the offense is committed by a commander of the armed forces of the Republic, the penalty is increased to a degree

. The offender is subject to imprisonment of the second degree if the failure occurs in the civil war

time, riot, destruction, vandalism or turmoil.

Art. 379

Omission healthcare

The operator a health profession or art, which without justification delays or fails to pay the required assistance to those in urgent need, is punished with disqualification

second degree from the health profession or art, unless the fact constitutes a more 'serious crime.

Art. 380

Refusal of office performance

Anyone appointed to a public office is required by law, refuses without good reason to hire him or pay the prescribed oath obtains an exemption to transport

fraudulent, he shall be punished with imprisonment and disqualification of first Instance political rights.

The penalties are increased by one degree in the case of witnesses, experts, interpreters, tutors, curators, judicial administrators, custodians or auxiliary of the judge.

## Chapter V CRIMES AGAINST PUBLIC ADMINISTRATION OF PRIVATE MISDEEDS

### Art. 381

Violence or threats against authority

Whoever, apart from cases anticipated in Article 347, with violence or threats compels a public official

to do or omit an act of its own motion or prevents its' execution, shall be punished with imprisonment

second degree. Apply imprisonment and third-degree disqualification from political RIGHT T, if the offense is committed by five or more 'people.

### Art. 382

Offense public officer

Anyone who offends the honor or dignity of a public official or a public employee who not have that capacity, in the presence of the same or direct communication with him, in ' exercise or

Because of its functions, he shall be punished with imprisonment of First Instance or with the daily fine

third degree, unless the fact constitutes a more 'serious crime.

Applies imprisonment second degree if the offense is committed with violence or threat.

### Art. 383

arbitrary actions of the public official

When the public official or civil servant who has no such capacity commits acts

arbitrary exercise of his functions, the private is not subject to punishment for misdeeds

expected within | || two previous articles, provided that there is a proportion between his action and arbitrary act.

### Art. 384

False or omitted public official statements

Anyone, questioned by a public officer in the exercise of its functions on the identity, status, personal qualities or other, refuses to answer or gives false answers, he shall be punished by first-degree imprisonment or detention or a daily fine of the second degree.

### Art. 385

Undue exercise of a profession

Anyone improperly exercising a profession for which a special authorization is required, it is punished with the arrest of the third degree.

For repeat applies to first-degree imprisonment.

### Art. 386

Breach of seals

Whoever breaks, removes or otherwise violates a seal or other sign affixed

authority in order to ensure the preservation or the identity of a so, shall be punished by imprisonment of third grade.

Art. 387

Fraud in supply contracts Whoever, in the execution of a supply agreement concluded with the Republic or other public body

, commits fraud on the quantity or quality of goods or services provided, it shall be punished with second-degree imprisonment and a fine of lire.

Art. 388

manufacture and smuggling of goods in circumvention of the Exchequer

Anyone manufacturer, introduces into the territory of the Republic, purchases, receives, holds or puts into circulation

to put in circulation things taxpayers, for which has not been paid the tribute

or kinds of deprivation in fraud of the public treasury or State contractors, he shall be punished with first-degree imprisonment and fourth-degree disqualification from political rights, except for financial penalties provided for by special laws.

Applies the arrest of the third degree, if the goods are of moderate quantity, and the culprit is not a reiteratore

.

Art. 389

Anyone Tax evasion through false or fraudulent acts is subtracted in whole or in part to the payment of taxes

central government, he shall be punished with first-degree imprisonment and a fine in lire, subject to financial penalties

described in the regulation.

The payment of state taxes made before the enforcement of the sentence cancels the crime.

Art. 390 Disruption of public auctions

Anyone who, by agreement with other competitors or in any different way, prevents or disturbs the

processes in public auctions or private invitations to tender or turns away from the bidders, shall be punished by || first-degree imprisonment or a fine in days of third grade.

The same punishment the competitor for money or other benefits shall not take all processes.

Art. 391

Usurpation of public functions

Whoever, apart from the hypothesis provided for in Article 330, usurps a public function or continues to exercise despite having been informed dellasospensione or termination thereof, shall be punished by || first-degree imprisonment.

Art. 392

Usurpation of bonds Whoever illegally takes in public in uniform, badges egni of a public office, the gown or ecclesiastical

arrogates academic or educational qualifications, noble or knightly titles, decorations or public quality, shall be punished by a fine of lire or daily fine second grade.

FINES Art. 393

And Damaging billboards' punished with imprisonment or a daily fine of First Instance any damages, defaces, tears smeared or edicts, ordinances, notifications, notices or posters publicly posted in accordance with the law.

## Chapter VI CRIMES AGAINST POLITICAL RIGHTS MISDEEDS

### Art. 394 Breach

against the free exercise of voting rights

Anyone on the occasion of State Voting uses force, threats or deception, or offers or promises not due utilities, to induce a citizen to sign a declaration of presentation of nomination or a bill or a referendum over to refrain from voting or to vote or not for a particular candidate or symbol, shall be punished with imprisonment and second-degree disqualification third-degree political rights.

The same penalty applies to the citizen who accepts the utility not due.

Apply the imprisonment of third degree is the ban of the fourth degree by political rights and public

offices, if the offense is committed by a person invested with public authority, by a public official or a

minister, abusing its powers and in the exercise of them.

Art.

### 395 Breach of voting secrecy

Anyone with illicit maneuvers get to know the secret vote cast in an election or vote State, it is liable to imprisonment for second-degree.

### Art. 396

Violation of other political rights of citizens

Anyone with violence or threats prevents anybody to join a party or a trade union that I'll forces; It prevents to propagate or

participate in meetings or events, public or private they organized;

prevents the presentation of instances of arengo or other petitions or the exercise of any other political rights, shall be punished with imprisonment

second-degree and third-degree disqualification from political rights.

### Art. 397

Anyone Electoral fraud in transactions for the election or the draw of the persons responsible for the public authorities or

another public office or for a referendum or through a direct vote, would affect the result by false claims or other fraudulent means, shall be punished with imprisonment of

second degree and third-degree disqualification from public offices or political rights.

Apply imprisonment third-degree and fourth-degree disqualification, if the offense is committed by

person assigned to the above operations.

### Art. 398

Disruption of rallies or meetings electoral

Anyone who prevents or disturbs a rally or other electoral propaganda meeting or the regular conduct of election meetings, shall be punished with first-degree imprisonment and disqualification | || second degree political rights.

The penalties are increased by one degree if the crime is committed with violence or threats.  
Art. 399

Wrongful exercise of political rights of the citizen

An alien or stateless resident, who in the territory of the Republic will retain the political rights payable to San Marino citizens, he shall be punished with imprisonment of First Instance.

The court may enforce the expulsion from the territory of the Republic.

## Chapter VII CRIMES AGAINST THE SIGNS OF SOVEREIGNTY 'THE REPUBLIC MISDEEDS

Art. 400

Counterfeiting alteration and misuse of public seals

Anyone who counterfeits or alters the seal of the Republic, or makes use of the counterfeit seal or altered, shall be punished with imprisonment fourth degree.

Applies imprisonment of third grade when counterfeiting, alteration or use other public concern seal.

The penalties are reduced by one degree for those who make improper use of the true seal.

Art. 401

Counterfeiting money, duty stamps and debt securities

Anyone who counterfeits or alters coins which are legal tender or debt securities issued by the Republic, is

punished by imprisonment in the fourth degree.

The same punishment those who make use of such cntraffatte or altered things, introduces into the territory of the State or the

buys or receives in order to use them or put them in circulation.

The penalties are reduced by one degree if the offenses were committed on stamped paper, stamps,

stamps or other equivalent values.

The above provisions will also apply to coins, foreign securities and bonds.

Art. 402

Cause of non-punishment is not punishable if, having committed any of the offenses punishable in the previous article, shall inform

the first authority to use or putting into circulation counterfeit or altered things.

Art. 403

Production, possession, purchase, sale of instruments or counterfeiting materials

Anyone factory, holds, acquires or otherwise receives tools, materials or other resources used counterfeiting or alteration of the things referred to in Article 401, shall be punished with

imprisonment of

second degree.

Art. 404

Forgery or alteration of measuring instruments; use of counterfeit or altered instruments

Anyone who counterfeits or alters tools to measure, law enforcement, make use of such tools counterfeit or altered or holds them in a shop open to the public, shall be punished with

imprisonment of  
second grade.

They all apply the daily fine and third-degree disqualification from second degree business, if the act is committed by the person exercising a commercial activity. The above provisions will also apply in the case of instruments authorized abroad.

Art. 405

Counterfeiting of public footprints

Anyone who, by means other than those specified in Article 400, forges or alters the footprints of a public authentication that uses the cos bearing counterfeit marks or altered, shall be punished with imprisonment of a second degree.

Art. 406

Detention of weights or illegal measures

Anyone in an open public space or in the exercise of a commercial activity holds different weights or measures other than those authorized, it shall be punished with disqualification of second degree by trade.

FINES Art. 407

abusive reproduction of the emblem of the Republic

It 'punished with a fine by days from the second to third grade, anyone who without authorization reproduces of goods or articles intended to trade the flag with the emblem or the emblem of San Marino, unless the fact constitutes a more 'serious crime.

Art. 408

abusive detention of seals

Anyone caught in possession of an unjustified p bblico seal, true, counterfeit or forged, is punished with first-degree imprisonment.

Art. 409

Using coins and false values received in good faith

It 'punished with a fine by days anyone who, having known the falsity, use or circulating legal tender, securities, paper stamped, stamps, stamps or other equivalent values , received in good faith.

The same provision also applies to currencies, foreign securities and bonds