

## Translation of Liechtenstein Law

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**Act**

of 24 June 1987

**Criminal Code (StGB)**

I hereby grant My consent to the following resolution adopted by Parliament:

**General Part**

## Section 1

**General provisions**

## § 1

*No punishment without law*

1) A penalty or preventive measure may be imposed only for an act that is expressly declared to carry a penalty by law and that already carried a penalty at the time it was committed.

2) A penalty more severe than the penalty provided for at the time of the commission of the act may not be imposed. A preventive measure may be ordered only if such preventive measure or a punishment or preventive measure comparable in nature was provided for at the time of the commission of the act. In the event that a preventive measure that is merely comparable in nature is imposed, the perpetrator may not be subject to less favourable treatment than was permissible under the law in force at the time of the act.

## § 2

*Commission by omission*

If the causation of a result is punishable by law, then it shall likewise be punishable if a person fails to avert the result even though such person is required to do so as a result of a special legal duty to act, and the failure to avert the result shall be deemed equivalent to bringing about the elements of the offence by means of acting.

## § 3

*Self-defence*

1) No person shall be deemed to act unlawfully if such person merely uses the self-defence necessary to repel a present or immediately imminent, unlawful attack against his or another person's life, health, physical integrity, liberty or property. The act shall not be deemed justified, however, if it is evident that the attacked person is only at risk of a minor disadvantage and if the defence is disproportionate, especially in light of the seriousness of the impairment of the attacker necessary to repel the attack.

2) Any person who exceeds the justified degree of defence or makes use of an evidently inappropriate defence (paragraph 1) shall, if this occurs merely due to consternation, fear or fright, be punished only if the excess is due to negligence and the negligent act carries a penalty.

## § 4

*No punishment without culpability*

No person may be punished unless such person acts culpably.

## § 5

*Intent*

1) A person shall be deemed to act with intent if such person desires to bring about the facts corresponding to the legal elements of an offence; in this context, it shall suffice that the perpetrator



seriously believes that such facts can be brought about and accepts that they will be brought about.

2) The perpetrator shall be deemed to act purposefully if it is important for him to bring about the circumstance or result for which the law requires purposeful action.

3) The perpetrator shall be deemed to act knowingly if such perpetrator not merely considers the circumstance or result for which the law requires knowledge to be possible, but rather considers its existence or occurrence to be certain.

### § 6

#### *Negligence*

1) Any person shall be deemed to act negligently who fails to exercise the care that is required of such person under the circumstances and that such person is capable of given his mental and physical condition and that can be reasonably expected of him, and who therefore does not recognize that he might bring about facts corresponding to the elements of an offence.

2) Any person shall also be deemed to act negligently who believes it to be possible that he might bring about such facts, but does not want to bring them about.

3) Any person shall be deemed to act grossly negligently who, in an extraordinary or evident manner, acts against the standard of care so that the occurrence of facts corresponding to the statutory elements of the offence was foreseeable with a high degree of probability.<sup>1</sup>

### § 7

#### *Criminal liability for intentional and negligent acts*

1) Unless the law stipulates otherwise, criminal liability shall exist only for intentional acts.

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<sup>1</sup> § 6 paragraph 3 inserted by LGBL 2019 no. 124.

2) A more severe penalty associated with a special consequence of the act shall apply to the perpetrator only if the perpetrator brought about that consequence at least negligently.

§ 8

*Mistaken belief in justificatory facts*

Any person who mistakenly believes in facts that would render the act lawful may not be punished for intentional commission. Such person shall be punished for negligent commission if the mistake is due to negligence and the negligent commission carries a penalty.

§ 9

*Mistake of law*

1) Any person who does not recognize the wrongfulness of the act because of a mistake of law shall not be deemed to act culpably if such person cannot be blamed for the mistake.

2) The perpetrator shall be blamed for the mistake of law if the wrongfulness was as easily recognizable for the perpetrator as for anyone else or if the perpetrator did not acquaint himself with the relevant provisions, even though he would have been obliged to do so in light of his profession, occupation or other circumstances.

3) Where the perpetrator must be blamed for the mistake, the penalty provided for the intentional act shall be imposed if the perpetrator acts intentionally, and the penalty for the negligent act if the perpetrator acts negligently.

§ 10

*Exculpatory situation of necessity*

1) Any person who commits a punishable act to avert an immediately imminent, substantial disadvantage from himself or another person shall be exculpated if the damage threatened by the

act is not disproportionately more severe than the disadvantage the act is meant to avert, and if a person in the perpetrator's situation who is committed to the legally protected values could not be expected to behave differently.

2) The perpetrator shall not be exculpated if he consciously exposed himself to the danger without any reason recognized by the legal order. The perpetrator shall be punished for negligent commission if he mistakenly assumed the conditions under which he would have been exculpated for his action, and if that mistake was due to negligence and if the negligent commission carries a penalty.

§ 11<sup>2</sup>

*Mental capacity*

Any person who, at the time of the act, because of mental illness, a mental disability, profound consciousness disorder, or other severe psychological disorder equivalent to any of these conditions is incapable of realizing the wrongfulness of his act or of acting in accordance with that realization shall be deemed to not act culpably.

§ 12

*Treatment of all participants as perpetrators*

Not only the immediate perpetrator shall be deemed to commit the offence, but also every person who directs another person to carry out the offence or who otherwise contributes to its being carried out.

§ 13

*Independent criminal liability of the participants*

If several persons participated in the act, each of the participants shall be punished in accordance with his culpability.

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<sup>2</sup> § 11 amended by LGBL 2011 no. 184.

## § 14

*Characteristics and circumstances of the perpetrator*

1) If the law makes the criminal liability or the severity of the penalty dependent on special personal characteristics or circumstances of the perpetrator relating to the wrongfulness of the act, then the law shall be applied to all participants even if those characteristics or circumstances apply only to one of them. If, however, the wrongfulness of the act depends on the person with the special personal characteristics or circumstances committing the act directly or otherwise participating in the act in a specific manner, then that condition must additionally be met.

2) If, however, the special personal characteristics or circumstances relate solely to culpability, then the law shall be applied only to the participants with those characteristics or circumstances.

## § 15

*Criminal liability of attempt*

1) The penalties provided for intentional acts shall not only apply to a completed act, but also to an attempt and to any participation in an attempt.

2) The act shall be deemed attempted as soon as the perpetrator puts his decision to carry out or direct another person (§ 12) to carry out the act into execution by way of an action immediately preceding the carrying out of the act.

3) An attempt and any participation in an attempt shall not be punishable if completion of the act was not possible under any circumstances, for lack of personal qualities or circumstances that the law requires the person acting to fulfil or given the type of the action or the type of the object against which the act was perpetrated.

## § 16

*Withdrawal from an attempt*

1) The perpetrator shall not be punished for an attempt or participation therein if he voluntarily abandons the carrying out

or, if several persons are involved, prevents the carrying out or voluntarily averts the results thereof.

2) The perpetrator shall likewise not be punished if, without his intervention, the carrying out or the result does not occur, yet he is unaware of this and has made a voluntary and earnest effort to prevent the carrying out or avert the result.

## Section 2

### Classification of offences

#### § 17

##### *Classification of offences*

1) Intentional acts carrying a penalty of imprisonment for life or of more than three years shall be deemed crimes.

2) All other offences shall be deemed misdemeanours, unless otherwise specified by supplementary criminal laws.

## Section 3

### Penalties, forfeiture, and preventive measures<sup>3</sup>

#### § 18

##### *Penalties of imprisonment*

1) Penalties of imprisonment shall be imposed for life or for a specific length of time.

2) Time-limited penalties of imprisonment shall be at least one day and at most twenty years.

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<sup>3</sup> Heading preceding § 18 amended by LGBL 2016 no. 161.

## § 19

*Monetary penalties*

1) Monetary penalties shall be assessed in daily rates. A monetary penalty shall amount to at least two daily rates.

2) The daily rate shall be assessed in accordance with the personal circumstances and economic ability of the offender at the time of the judgement in the first instance. The daily rate shall, however, be assessed at at least 10 francs and at most 1,000 francs.

3) If the monetary penalty cannot be collected, an alternative term of imprisonment shall be imposed. In this connection, one day of the alternative term of imprisonment shall correspond to two daily rates.

4) Repealed.<sup>4</sup>

§ 19a<sup>5</sup>*Confiscation*

1) Any objects used by the perpetrator or intended by the perpetrator to be used in the commission of an intentional offence or any objects obtained from such an offence shall be confiscated if they belong to the perpetrator at the time of the decision in the first instance.<sup>6</sup>

1a) The confiscation shall also include the replacement values of the objects designated in paragraph 1 which belong to the perpetrator at the time of the decision in the first instance.<sup>7</sup>

2) No confiscation shall occur if such confiscation is disproportionate to the significance of the act or to the blameworthiness of the perpetrator.

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<sup>4</sup> § 19 paragraph 4 repealed by LGBL. 2000 no. 256.

<sup>5</sup> § 19a inserted by LGBL. 2016 no. 161.

<sup>6</sup> § 19a paragraph 1 amended by LGBL. 2019 no. 124.

<sup>7</sup> § 19a paragraph 1a amended by LGBL. 2019 no. 124.

§ 20<sup>8</sup>*Forfeiture*

- 1) The court shall impose the forfeiture of any assets obtained for or through the commission of a punishable act.
- 2) The forfeiture shall also include any benefits and replacement values of the assets subject to forfeiture in accordance with paragraph 1.
- 3) If the assets subject to forfeiture in accordance with paragraphs 1 and 2 are no longer available or if no forfeiture is possible for any other reason, the court shall impose the forfeiture of the monetary equivalent of such assets. The monetary value of assets that were saved through the commission of a punishable act shall also be subject to forfeiture.
- 4) The court shall be at liberty to determine the extent of asset forfeiture if the determination of such extent is either impossible or involves a disproportionate effort.

§ 20a<sup>9</sup>*No forfeiture*

- 1) No forfeiture in accordance with § 20 paragraphs 2 and 3 of assets belonging to a third party shall be made if such third party acquired such assets without being aware of the punishable act.
- 2) Nor shall any forfeiture be permissible:
  1. in respect of assets belonging to a third party if such third party acquired such assets in return for a valuable consideration without being aware of the punishable act,
  2. if the person concerned satisfies civil claims resulting from the act or provided security for them, or
  3. if the effects of such forfeiture are achieved through other legal measures.

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<sup>8</sup> § 20 amended by LGBL 2016 no. 161.

<sup>9</sup> § 20a amended by LGBL 2016 no. 161.

3) No forfeiture shall occur if:

1. the procedural effort required to bring about the forfeiture or collection is disproportionate compared to the asset subject to forfeiture or to the prospect of its collection, or
2. such forfeiture would disproportionately hinder the advancement of the person concerned or would represent undue hardship.

§ 20b<sup>10</sup>

*Extended forfeiture*

1) Any assets under the control of a criminal organization (§ 278a) or a terrorist group (§ 278b) or provided or collected for the financing of terrorism (§ 278d) shall be subject to forfeiture.

2) If a crime has been committed for the commission of which or by which assets have been obtained, any such assets obtained in a temporal connection with this act shall also be subject to forfeiture if there is reason to believe that they were derived from an unlawful act and if their lawful origin cannot be substantiated.

3) If misdemeanours as defined by § 165, § 278, § 278c and § 304 to § 309 have been committed in a continuous or repeated manner for the commission of which or by which assets have been obtained, any such assets obtained in a temporal connection with these acts shall also be subject to forfeiture if there is reason to believe that they were derived from further misdemeanours of this nature and if their lawful origin cannot be substantiated.

4) § 20 paragraphs 2 to 4 shall apply mutatis mutandis.

§ 20c<sup>11</sup>

*No extended forfeiture*

1) No extended forfeiture as defined by § 20b paragraph 1 shall be made if the assets concerned are the subject of legal claims by persons not involved in the criminal organization or terrorist group or the financing of terrorism.

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<sup>10</sup> § 20b amended by LGBl. 2016 no. 161.

<sup>11</sup> § 20c amended by LGBl. 2016 no. 161.



2) § 20a shall apply mutatis mutandis.

§ 21<sup>12</sup>

*Placement in an institution for mentally abnormal offenders*

1) If a person commits an act carrying a penalty of imprisonment of more than one year, and if such person cannot be punished solely because he committed the act under the influence of a condition excluding mental capacity (§ 11) resulting from a mental or psychological abnormality of a higher degree, then the court shall place him in an institution for mentally abnormal offenders if, in light of his personal qualities, his condition, and the nature of the act, it must be feared that he otherwise would commit a punishable act with serious consequences under the influence of his mental or psychological abnormality.

2) If such a fear exists, then any person shall likewise be placed in an institution for mentally abnormal offenders who, without being mentally incapacitated, but under the influence of his mental or psychological abnormality of a higher degree, commits an act carrying a penalty of imprisonment of more than year. In such a case, the placement shall be ordered at the same time as the sentence is pronounced.

§ 22<sup>13</sup>

*Placement in an institution for offenders in need of withdrawal*

1) A person who is addicted to the abuse of an intoxicant or narcotic and who is convicted of a punishable act committed in a state of intoxication or otherwise in connection with his addiction or because he committed an act carrying a penalty in a state of complete intoxication (§ 287) shall be placed by the court in an institution for offenders in need of withdrawal if, in light of his personal qualities and the nature of the act, it must be feared that in connection with his addiction to intoxicants or narcotics he would otherwise commit a punishable act with serious consequences or punishable acts involving more than merely minor consequences.

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<sup>12</sup> § 21 entered into force pursuant to LGBL 1996 no. 200.

<sup>13</sup> § 22 entered into force pursuant to LGBL 1996 no. 200.

2) No placement shall occur if the offender has to serve more than two years in criminal detention, the conditions for his placement in an institution for mentally abnormal offenders are met, or the attempt at treatment of the addiction appears pointless from the outset.

§ 23<sup>14</sup>

*Placement in an institution for dangerous repeat offenders*

1) Where a person, after reaching the age of twenty-four, is sentenced to imprisonment of at least two years, then the court shall at the same time order his placement in an institution for dangerous repeat offenders,

1. if the conviction was exclusively or predominantly for one or more intentionally committed offences against life and limb, against liberty, against the property of another with the use or threat of force against another person, against sexual self-determination and for other sexual offences, against the provisions of the narcotics legislation, or for one or more intentionally committed offences against public safety,<sup>15</sup>
2. if he has already twice been sentenced to terms of imprisonment of more than six months each exclusively or predominantly for acts of the nature referred to in sub-paragraph 1, and for that reason has spent at least eighteen months in criminal detention before committing the acts for which he has now been sentenced, but after his eighteenth birthday, and
3. if it must be feared that, in light of his tendency to commit offences of the kind referred to in sub-paragraph 1 or because he tends to earn his living predominantly through such offences, he would otherwise continue to commit such offences with serious consequences.

2) No placement shall occur if the conditions for placement of the offender in an institution for mentally abnormal offenders are met.

3) Detention in an institution for mentally abnormal offenders in accordance with § 21 paragraph 2 or in an institution for

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<sup>14</sup> § 23 entered into force pursuant to LGBL 1996 no. 200.

<sup>15</sup> § 23 paragraph 1 sub-paragraph 1 amended by LGBL 2006 no. 100.

offenders in need of withdrawal shall be deemed equivalent to criminal detention (paragraph 1 sub-paragraph 2) insofar as the duration of detention shall be counted toward the sentence.

4) An earlier sentence shall be disregarded if more than five years have passed from the time it was served until the following act. In respect of that time period, no time shall be counted that the convicted person was in detention pursuant to official orders. If the sentence was served only by taking into account any time in provisional detention, the time period shall commence only once the judgement becomes final.

5) Foreign convictions shall be taken into account if the conditions under § 73 are met and if it is likely that the perpetrator would have been sentenced by a domestic court to imprisonment of more than six months and would have spent time in criminal detention necessary to meet the conditions set out in paragraph 1 sub-paragraph 2.

#### § 24

##### *Sequence of enforcement of sentences of imprisonment and preventive measures involving deprivation of liberty*

1) A term of placement in an institution for mentally abnormal offenders or in an institution for offenders in need of withdrawal shall be enforced before a sentence of imprisonment. The period of detention shall be counted toward the sentence. If the placement is lifted before the term of the sentence has come to an end, the perpetrator shall be transferred to criminal detention, unless the remainder of the sentence has been conditionally or unconditionally remitted.

2) A term of placement in an institution for dangerous repeat offenders shall be enforced after a sentence of imprisonment. Before transferring the offender to the institution for dangerous repeat offenders, the court shall review ex officio whether placement is still necessary.

#### § 25

##### *Duration of preventive measures involving deprivation of liberty*

1) Preventive measures shall be ordered for an indefinite period of time. They shall be enforced as long as their purpose requires.

However, placement in an institution for offenders in need of withdrawal may not last longer than two years, and placement in an institution for dangerous repeat offenders may not last longer than ten years.

2) The court shall decide on the lifting of preventive measures.

3) At least every year, the court shall review ex officio whether placement in an institution for mentally abnormal offenders or in an institution for dangerous repeat offenders is still necessary.

4) At least every six months, the court shall review ex officio whether placement in an institution for offenders in need of withdrawal needs to be maintained.

## § 26

### *Deprivation order*

1) Any objects used by the perpetrator or intended by the perpetrator to be used to commit the act carrying a penalty, or any objects obtained from this act shall be subject to a deprivation order if these objects endanger the safety of persons, morality or the public order.<sup>16</sup>

2) No deprivation order shall be made if the authorized person eliminates the particular properties of the objects, especially by removing or rendering unusable any components or markings that facilitate the commission of acts carrying a penalty. Any objects subject to legal claims by a person not involved in the offence may be subject to a deprivation order only if the person concerned does not guarantee that the objects will not be used for the commission of offences.<sup>17</sup>

3) If the preconditions for a deprivation order are met, then the objects shall be subject to a deprivation order even if no particular person can be prosecuted or convicted for the act carrying a penalty.

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<sup>16</sup> § 26 paragraph 1 amended by LGBl. 2009 no. 49.

<sup>17</sup> § 26 paragraph 2 amended by LGBl. 2000 no. 256.

## § 27

*Loss of office and other legal consequences of conviction*

1) An official sentenced by a domestic court to imprisonment of more than one year for one or more intentionally committed offences shall lose his office.

2) Where a law provides that a criminal conviction has a legal consequence other than the legal consequence referred to in paragraph 1, the legal consequence, unless otherwise stipulated, shall end after five years, to the extent it does not consist in the loss of special rights resulting from an election, award, or appointment. The time period shall commence as soon as the sentence has been enforced and preventive measures have been executed or have ceased; if the sentence was served only by taking into account provisional detention, the time period shall commence once the judgement becomes final.

## § 28

*Concurrence of offences*

1) If a person, by carrying out an act or several independent acts, has committed multiple offences of the same or different kinds, and if these offences are adjudicated at the same time, then a single penalty of imprisonment or monetary penalty shall be imposed where the concurring laws provide only for penalties of imprisonment or only for monetary penalties. This penalty shall be determined in accordance with the law providing for the highest penalty. Other than in cases of extraordinary mitigation of the penalty, however, no lesser penalty than the highest minimum penalty provided for in the concurring laws may be imposed.

2) If one of the concurring laws provides for a penalty of imprisonment, while another law provides for a monetary penalty, or also if only one of the laws provides for concurrent penalties of imprisonment and monetary penalties, then both a penalty of imprisonment and a monetary penalty shall be imposed where both penalties are mandatory. Where one of the penalties is not mandatory, it may be imposed. The same shall apply to penalties of another kind that are provided for apart from a penalty of imprisonment or a monetary penalty. Paragraph 1 shall apply to the determination of the penalty of imprisonment and the monetary penalty.

3) If, pursuant to paragraph 2, a penalty of imprisonment and a monetary penalty would have to be imposed, then the penalty shall be a monetary penalty in accordance with paragraph 1 where a monetary penalty is to be imposed instead of a penalty of imprisonment (§ 37).

4) Preventive measures shall be ordered if one or more of the acts carrying a penalty that are adjudicated at the same time meet the conditions for such measures.

#### § 29

##### *Cumulation of values and damages*

If the amount of the penalty provided for depends on the value of an object against which the act is directed or on the damage caused thereby or which the perpetrator intends to cause, then, where the perpetrator has committed several acts of the same kind, the total amount of the values or damages shall be decisive.

#### § 30

##### *Impermissibility of multiple increase of the maximum penalty provided for by law*

Exceeding the maximum penalty provided for by law by half shall be permissible only once, even if different reasons permitting the maximum penalty to be exceeded (§ 39, § 313) coincide.

## § 31

*Penalty in case of subsequent conviction*

1) If a person who has already been sentenced is sentenced for another act which, according to the time it was committed, could have been adjudicated in the earlier proceedings, then an additional penalty shall be imposed. This additional penalty may not exceed the maximum penalty that is provided for the act now under adjudication. The sum of the penalties may not exceed the penalty which would be permissible under the sentencing rules for concurring offences and under the rules on cumulation of values and damages.

2) Even if the conditions set out in § 73 are not met, a previous foreign conviction shall be deemed equivalent to a previous domestic conviction.

§ 31a<sup>18</sup>*Subsequent mitigation of the penalty and forfeiture<sup>19</sup>*

1) If circumstances that would have led to a more lenient sentence emerge or become known after the conviction, the court shall mitigate the sentence appropriately.

2) If the personal circumstances or economic ability of a person sentenced to a monetary penalty deteriorate in more than a merely minor manner after the conviction, the court shall reassess the amount of the daily rates of the remaining monetary penalty within the limits set by § 19 paragraph 2, unless the sentenced person intentionally caused the deterioration, including by failing to take up reasonable employment.

3) Repealed<sup>20</sup>

4) If circumstances arise or become known after the conviction, which, in case of their existence at the time the judgement was rendered, would have led the court to refrain from forfeiture or would have led it to subject assets of a lesser value to forfeiture, the court shall modify its decision accordingly.

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<sup>18</sup> § 31a inserted pursuant to LGBL 2000 no. 256.

<sup>19</sup> § 31a subject heading amended by LGBL 2016 no. 161.

<sup>20</sup> § 31 paragraph 3 repealed by LGBL 2016 no. 161.

## Section 4 Sentencing

### § 32

#### *General principles*

1) The culpability of the perpetrator shall be the basis for sentencing.

2) When sentencing, the court shall weigh the aggravating and mitigating causes, to the extent they do not already determine the penalty provided for, and also take account of effects of the penalty and other expected consequences of the act on the future life of the perpetrator in society. It shall especially be taken into account to what extent the act is due to a negative or indifferent attitude of the perpetrator toward legally protected values and to what extent it is due to external circumstances or motives that might also prompt a person committed to the legally protected values to commit the offence.<sup>21</sup>

3) In general, sentencing shall be more severe the greater the damage or endangerment is which was the fault of the perpetrator, or which he may not have brought about himself, but to which his fault extended, the more duties he has breached through his action, the more thoroughly he considered his act, the more carefully he prepared it, or the more ruthlessly he carried it out, and the less prudence could have been applied to avert the act.

### § 33

#### *Special aggravating causes*

1) It shall in particular be an aggravating cause if the perpetrator:

1. has committed several offences of the same or different kinds or continued the offence for an extended period of time;
2. has already been convicted of an act arising from the same harmful inclination;

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<sup>21</sup> § 32 paragraph 2 amended by LGBl. 2006 no. 100.



3. induced another person to commit the offence;
4. was the author or instigator of an offence committed by several persons or participated in such an act in a leading capacity;
5. acted for racist, xenophobic, or other especially reprehensible motives, in particular for motives which are expressly directed against a group of persons referred to in § 283 paragraph 1 sub-paragraph 1, or a member of such a group, due to the fact that they belong to this group;<sup>22</sup>
6. acted treacherously, cruelly or in manner inflicting agony on the victim;
7. when committing the act, exploited the defencelessness or helplessness of another person;
8. committed the act as part of a criminal group;<sup>23</sup>
9. committed an offence in conscious and deliberate coordination with another person;<sup>24</sup>
10. has committed the act and, in the process, has misused the personal data of another person in order to gain the trust of a third party, as a result of which damage is caused to the lawful identity owner.<sup>25</sup>

2) Besides the cases referred to in § 39a paragraph 1, it shall also be an aggravating cause if a perpetrator who is of full age has intentionally committed an offence with the use of force or a dangerous threat against an under-age person or, in a manner that is perceptible to him/her, against a person close to him/her.<sup>26</sup>

3) It shall also be an aggravating cause if the perpetrator has intentionally committed an offence set out in sections 1 to 3 or 10 of the special part,<sup>27</sup>

1. against a relative (§ 72), including a former wife, a former husband, a former registered partner or a former life partner, as person living with the victim or as a person abusing his/her position of authority;

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<sup>22</sup> § 33 paragraph 5 amended by LGBl. 2000 no. 36.

<sup>23</sup> § 33 paragraph 8 inserted by LGBl. 2011 no. 184.

<sup>24</sup> § 33 paragraph 9 inserted by LGBl. 2011 no. 184.

<sup>25</sup> § 33 paragraph 1 sub-paragraph 10 inserted by LGBl. 2019 no. 124.

<sup>26</sup> § 33 paragraph 2 inserted by LGBl. 2019 no. 124.

<sup>27</sup> § 33 paragraph 3 inserted by LGBl. 2019 no. 124.

2. against a person who, due to special circumstances, is in need of protection, and if the perpetrator exploits his/her special need of protection;
3. if such perpetrator has committed the offence with the use of an exceptionally high degree of force or if any such use of force has preceded the act;
4. using a weapon or by threat with a weapon

## § 34

*Special mitigating causes*

1) It shall in particular be a mitigating cause if the perpetrator:

1. committed the act after reaching the age of eighteen, but before the age of twenty-one, or if he committed the act under the influence of an abnormal mental state, if he is of feeble mind, or if his upbringing was very much neglected;<sup>28</sup>
2. has so far led a normal life and the act is strikingly contrary to his conduct otherwise;
3. committed the act for commendable motives;
4. committed the act under the influence of a third party or due to fear or obedience;
5. made himself liable only because he failed to avert the result in a case where the law provides for a penalty for bringing about the result;
6. participated only in a subordinate manner in an offence committed by several persons;
7. committed the act only out of rashness;
8. committed the act only by letting himself be carried away by a generally understandable extreme emotion;
9. committed the act enticed more by an especially tempting opportunity rather than with prior purpose;
10. was caused to commit the act in light of a severe predicament not due to aversion to work;

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<sup>28</sup> § 34 paragraph 1 sub-paragraph 1 amended by LGBl. 2006 no. 100.

11. committed the act under circumstances approaching exclusion of culpability or justification;
12. committed the act under a mistake of law not excluding culpability (§ 9), especially if he is being punished for intentional commission of the act;
13. did not bring about any damage, despite completion of the act, or if the act was only attempted;
14. voluntarily refrained from causing greater damage, although he would have had the opportunity to do so, or if the damage was rectified by the perpetrator or a third party on his behalf;
15. earnestly endeavoured to rectify the damage caused or to prevent other negative consequences;
16. turned himself in, although he easily could have escaped or it was probable that he would remain undiscovered;
17. made a remorseful confession or, though his statement, contributed substantially to establishing the truth;
18. committed the act already some time ago and has since shown good behaviour;
19. is affected by the fact that he or someone personally close to him has suffered a considerable bodily harm or damage to health or other grave actual or legal disadvantages due to the act or as a consequence thereof.<sup>29</sup>

2) It shall also be a mitigating cause if the duration of the proceedings conducted against the perpetrator was disproportionately long for reasons not due to the perpetrator or his defence counsel.<sup>30</sup>

### § 35

#### *Intoxication*

Where the perpetrator acted in a state of intoxication that does not exclude mental capacity, this shall be considered a mitigating cause only to the extent that the reduction of mental capacity

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<sup>29</sup> § 34 paragraph 1 sub-paragraph 19 inserted by LGBL 2006 no. 100.

<sup>30</sup> § 34 paragraph 2 inserted by LGBL 2006 no. 100.

caused thereby is not offset by the accusation arising from the enjoyment or use of the intoxicant in light of the circumstances.

§ 36<sup>31</sup>

*Sentences of imprisonment for persons under the age of twenty-one*

Penalties of imprisonment that are more severe than twenty years may not be imposed on a person who, at the time of the act, had not yet reached the age of twenty-one. A penalty of imprisonment of five to twenty years shall be imposed in lieu of a penalty of imprisonment for life or a penalty of imprisonment of ten to twenty years or for life. A minimum penalty exceeding imprisonment of one year shall be reduced to one year, and a minimum penalty of one year shall be reduced to six months. However, to the extent that no penalty more severe than imprisonment of five years is provided for, no minimum penalty shall apply.

§ 37<sup>32</sup>

*Imposition of monetary penalties instead of penalties of imprisonment*

1) If no penalty more severe than imprisonment of up to five years is provided for an act, then a monetary penalty of no more than 720 daily rates shall nonetheless be imposed in lieu of a penalty of imprisonment of not more than one year, if no sentence of imprisonment is needed to prevent the perpetrator from committing further offences.

2) If a penalty of imprisonment more severe than referred to in paragraph 1 is provided for an act, but no more severe than imprisonment of ten years, then imposition of a monetary penalty of not more than 720 daily rates in lieu of a penalty of imprisonment of not more than one year shall be permissible only if no sentence of imprisonment is needed to prevent the perpetrator from committing further offences, and if the imposition of a monetary penalty suffices to deter others from committing offences.

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<sup>31</sup> § 36 amended by LGBl. 2006 no. 100.

<sup>32</sup> § 37 amended by LGBl. 2019 no. 124.

## § 38

*Taking account of provisional detention*

1) Any administrative and judicial custody as well as pre-trial detention shall be counted toward penalties of imprisonment and monetary penalties if the perpetrator was in detention

1. in proceedings regarding the act for which he is being punished, or
2. otherwise after commission of that act on suspicion of an act carrying a penalty

and in both cases only to the extent that the detention was not already counted toward a different sentence or the detainee was not already compensated for the detention.

2) When counting the provisional detention toward a monetary penalty, the alternative term of imprisonment shall be decisive.

## § 39

*Increase of penalty in the event of a repeat act<sup>33</sup>*

1) If the perpetrator has already been sentenced twice to imprisonment for acts arising from the same harmful inclination, and he has served these sentences at least in part, even if only by counting provisional detention or the deprivation of liberty associated with the enforcement of a preventive measure, then, in the event he again commits an offence arising from the same harmful inclination after his eighteenth birthday, the maximum penalty of imprisonment or monetary penalty provided for may be exceeded by half. But the time-limited sentence of imprisonment may not exceed the duration of 20 years.

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<sup>33</sup> § 39 subject heading amended by LGBl. 2006 no. 100.

2) An earlier sentence shall be disregarded if more than five years have passed from the time it was served until the following act. In respect of that time period, no time shall be counted that the convicted person was in detention pursuant to official orders. If the sentence was served only by taking into account any time in provisional detention, the time period shall commence only once the judgement becomes final.

§ 39a<sup>34</sup>

*Change of the penalty provided for offences against under-age persons*

1) If a perpetrator, who is of full age, has committed an intentional offence with the use of force or a dangerous threat against an under-age person, the following penalties shall apply:

1. a penalty of imprisonment of two months up to one year, instead of a penalty of imprisonment of up to one year or a penalty of such imprisonment or a monetary penalty,
2. a penalty of a minimum duration of imprisonment of three months, instead of a penalty of imprisonment with no minimum and with a maximum term of imprisonment of one year,
3. a penalty of a minimum term of imprisonment of one year, instead of a penalty of imprisonment with a minimum term of six months,
4. a penalty of a minimum term of imprisonment of two years, instead of a penalty of imprisonment with a minimum term of one year.

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<sup>34</sup> § 39a inserted by LGBL 2019 no. 124.

2) In the application of the §§ 36 and 41, the penalties amended in paragraph 1 shall be used.

§ 40

*Sentencing in case of a subsequent conviction*

In the event of subsequent conviction, the additional penalty shall be determined within the limits set out in § 31 in such a manner that the sum of the penalties corresponds to the penalty that would have to be imposed if adjudication occurred at the same time. Where no higher penalty would be imposed than the penalty imposed in the earlier judgement if adjudication had occurred at the same time, no additional penalty shall be imposed.

§ 41

*Extraordinary mitigation in case of predominance of mitigating causes<sup>35</sup>*

1) In the event that mitigation causes significantly outweigh the aggravating causes and if there is reasonable prospect that the perpetrator will not commit any further offences even if a sentence lower than the legal minimum sentence is imposed, the following sentences may be imposed:

1. a sentence of no less than one year imprisonment for acts punishable by imprisonment for life or imprisonment of 10 to 20 years or imprisonment for life;
2. a sentence of no less than six months of imprisonment for acts not punishable by imprisonment for life but punishable by a minimum of at least 10 years of imprisonment;
3. a sentence of no less than three months of imprisonment for acts punishable by a minimum of at least five years of imprisonment;
4. a sentence of no less than one month of imprisonment for acts punishable by a minimum of at least one year of imprisonment;

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<sup>35</sup> § 41 subject heading amended by LGBl. 2014 no. 110.

5. a sentence of no less than one day of imprisonment for acts punishable by a minimum of less than one year of imprisonment.

2) Under the requirements of paragraph 1 sub-paragraphs 3 and 4, a minimum term of six months of imprisonment shall be imposed if the offence resulted in the death of a person (§7 paragraph 2), even if this circumstance already determines the penalty provided for.

3) § 43 and § 43a may also be applied if a penalty of imprisonment of more than two years or three years, but not more than five years is imposed or would have to be imposed, if the mitigating causes significantly outweigh the aggravating causes and if there is a reasonable prospect that the perpetrator will not commit any further offences even if such penalty is imposed.<sup>36</sup>

#### § 41a<sup>37</sup>

##### *Extraordinary mitigation of penalty in case of cooperation with the law enforcement authorities*

1) If the perpetrator of an act punishable under § 277, § 278, § 278a or § 278b or of a punishable act that is connected to such a conspiracy, group, or organization discloses to any law enforcement authority that he has knowledge of facts the disclosure of which significantly contributes to

1. the elimination or a significant reduction of the danger resulting from the conspiracy, group or organization,
2. helping to uncover such a punishable act beyond his own contribution to the act, or
3. tracing a person who has been involved in such a conspiracy in a leading capacity or has been active in such a group or organization in a leading capacity

a sentence below the legal minimum penalty may be imposed within the limits set by § 41, if this corresponds to the significance of the disclosed facts in proportion to the culpability of the perpetrator. § 41 paragraph 3 shall apply *mutatis mutandis*.

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<sup>36</sup> § 41 paragraph 3 inserted by LGBl. 2014 no. 110.

<sup>37</sup> § 41a inserted by LGBl. 2014 no. 110.



2) Paragraph 1 shall nevertheless apply to a perpetrator whose knowledge relates to punishable acts not governed by the criminal laws of Liechtenstein, provided that the provision of legal assistance would be permissible.

§ 42<sup>38</sup>

*Lack of punishable nature of the act*

Where an act to be prosecuted ex officio carries only a monetary penalty, a penalty of imprisonment not exceeding three years, or such a penalty of imprisonment and a monetary penalty, the act shall not be punishable if

1. the culpability of the perpetrator is minor,
2. the act entailed no or only insignificant consequences or, insofar as the perpetrator at least made an earnest effort to that effect, the consequences of the act were largely eliminated, rectified or otherwise compensated, and
3. no punishment is necessary to prevent the perpetrator from committing offences or to deter others from committing offences.

Section 5

**Conditional suspension of sentences and conditional release, instructions and probation assistance**

§ 43

*Conditional suspension of sentences*

1) Where an offender is sentenced to a term of imprisonment not exceeding two years or to a monetary penalty, the court shall conditionally suspend the sentence and determine a probationary period of at least one and at most three years if it is likely that the mere threat of enforcement alone or in conjunction with other measures will suffice to prevent the perpetrator from committing further offences, and enforcement of the sentence is not needed to

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<sup>38</sup> § 42 amended by LGBl. 2006 no. 100.

deter others from committing offences. In this regard, especially the nature of the act, the personal qualities of the offender, the degree of his culpability, his previous conduct, and his conduct after the act shall be taken into account.<sup>39</sup>

2) Repealed.<sup>40</sup>

3) If the suspension is not revoked, the sentence shall be deemed remitted definitely. Any time periods commencing as soon as the sentence has been enforced shall, in such cases, be calculated from the time the judgement becomes final.

#### § 43a<sup>41</sup>

##### *Conditional suspension of part of a sentence*

1) If the sentence is a monetary penalty and if the conditions set out in § 43 apply to part of the sentence, then the court shall conditionally suspend that part.

2) If the sentence would be a term of imprisonment of more than six months but not more than two years, and if the conditions for a conditional suspension of the entire sentence are not met, then a monetary penalty of up to 360 daily rates shall be imposed in lieu of part of the sentence of imprisonment, if in light thereof the remaining part of the sentence of imprisonment can be conditionally suspended in accordance with § 43.

3) If the sentence is a term of imprisonment of more than six months but not more than two years and if, especially in light of prior convictions of the offender, neither the entire sentence can be conditionally suspended nor paragraph 2 can be applied, then part of the sentence shall be conditionally suspended under the conditions set out in § 43. The part of the sentence that is not conditionally suspended must be at least one month and may not be more than one third of the sentence.

4) If the sentence is a term of imprisonment of more than two years but not more than three years, and if there is a high probability that the offender will not commit any further offences, then part of the sentence shall be conditionally suspended under

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<sup>39</sup> § 43 paragraph 1 amended by LGBl. 2014 no. 110.

<sup>40</sup> § 43 paragraph 2 repealed by LGBl. 2006 no. 100.

<sup>41</sup> § 43a inserted by LGBl. 2006 no. 100.

the conditions set out in § 43. The last sentence of paragraph 3 shall apply.

5) Repealed<sup>42</sup>

#### § 44

##### *Conditional suspension in case of concurrence of multiple sentences*

1) If a penalty of imprisonment and a monetary penalty are imposed concurrently, then both sentences shall be conditionally suspended if the relevant requirements are met. If it is likely that the enforcement of one of these sentences or part of a sentence will suffice, § 43 and § 43a may be applied to each of the two sentences.<sup>43</sup>

2) Ancillary sentences and legal consequences of a conviction may be conditionally suspended independently of the main sentence.<sup>44</sup>

#### § 45<sup>45</sup>

##### *Conditional suspension of preventive measures*

1) A term of placement in an institution for mentally abnormal offenders shall be conditionally suspended, if, based on the personal qualities of the person concerned, his state of health, his previous conduct, the nature of the act and his prospects for an honest living, in particular after successful treatment carried out during a period of provisional detention pursuant to § 340 paragraph 4 of the Code of Criminal Procedure or during the carrying out of pre-trial detention by provisional committal pursuant to § 348 of the Code of Criminal Procedure, it is likely that the mere threat of placement in connection with treatment outside of the institution and additional measures (if any) provided for in § 50 to § 52 will suffice to contain the dangerousness against which the preventive measure is directed. Any placement under § 21 paragraph 2 may also only be conditionally suspended in conjunction with the sentence. The

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<sup>42</sup> § 43 paragraph 5 repealed by LGBl. 2014 no. 110.

<sup>43</sup> § 44 paragraph 1 amended by LGBl. 2006 no. 100.

<sup>44</sup> § 44 paragraph 2 amended by LGBl. 2000 no. 256.

<sup>45</sup> § 45 amended by LGBl. 2016 no. 161.

probationary period of conditional suspension of a term of placement pursuant to § 21 shall be ten years. However, if the offence that led to the placement carries a penalty of imprisonment of no more than ten years, the probationary period shall be five years.

2) A term of placement in an institution for offenders in need of withdrawal may only be suspended conditionally and simultaneously as the sentence if it is likely that the mere threat of placement in conjunction with one or more of the measures set out in § 50 to § 52 will suffice to overcome the perpetrator's addiction to intoxicating or addictive substances. The probationary period for the conditional suspension of sentences shall also apply to the conditional suspension of a term of placement in an institution for offenders in need of withdrawal.

3) § 43 paragraph 3 shall apply *mutatis mutandis*.

4) The conditional suspension of other preventive measures shall not be permissible.

#### § 46<sup>46</sup>

##### *Conditional release from imprisonment*

1) Where an offender has served half of the time-limited sentence of imprisonment imposed in the judgement or by way of a pardon, but at least three months, then the remainder of the sentence shall be conditionally suspended and a probationary period shall be determined, if it is likely that the enforcement of the remainder of the sentence is not needed to prevent the offender from committing further offences.

2) Where an offender has served two thirds of the time-limited sentence of imprisonment imposed in the judgement or by way of a pardon, but at least three months, then the remainder of the sentence shall be conditionally suspended and a probationary period shall be determined, unless particular reasons give rise to the fear that the offender would commit further offences if released.

3) If the penalty of imprisonment has been imposed for an act committed before reaching the age of twenty-one, then the

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<sup>46</sup> § 46 amended by LGBl. 2006 no. 100.

minimum time that must be served (paragraphs 1 and 2) shall be one month.

4) Every decision on conditional release must take into account the personal qualities of the offender, his previous conduct, his prospects for an honest living, and his behaviour during enforcement, and whether, for particular reasons, enforcement of the remainder of the sentence is needed to deter others from committing offences. As necessary, conditional release shall be granted only in conjunction with other measures.

5) Where an offender is serving several sentences of imprisonment, their total duration shall be decisive, insofar as they are served immediately consecutively or are interrupted only by times when the offender is otherwise in detention pursuant to official orders. Parts of a sentence not conditionally suspended in accordance with § 43a paragraphs 3 and 4 shall be disregarded, however. Conditional release from such part of a sentence shall not be permissible.

6) An offender sentenced to imprisonment for life may not be granted conditional release before he has served fifteen years. Where this requirement is met, he shall nevertheless be granted conditional release only if, in light of his personal qualities, his previous conduct, his prospects for an honest living, and his behaviour during enforcement, it is likely that he will not commit any further offences if released and if, despite the gravity of the act, no further enforcement is needed to deter others from committing offences.

#### § 47

##### *Release from a preventive measure involving deprivation of liberty*

1) Persons placed in an institution for mentally abnormal offenders shall be granted conditional release always only subject to a probationary period. Persons placed in an institution for offenders in need of withdrawal and persons placed in an institution for dangerous repeat offenders shall be granted unconditional release once the time of detention (§ 25 paragraph 1) has expired or, in the case of detention in an institution for offenders in need of withdrawal, the continuation or supplementation of the withdrawal treatment would not likely be successful, otherwise only conditional release shall be granted and a probationary period determined.

2) Conditional release from a preventive measure involving deprivation of liberty shall be ordered if, in light of the conduct and the development of the person detained in the institution, his personal qualities, his state of health, his previous conduct, and his prospects for an honest living, it is likely that the dangerousness against which the preventive measure is directed no longer exists.

3) If the offender is granted conditional or unconditional release from an institution for mentally abnormal offenders or from an institution for offenders in need of withdrawal before the criminal sentence has expired, the last sentence of § 24 paragraph 1 shall apply.

4) A decision that transfer of the offender to an institution for dangerous repeat offenders is no longer necessary (§ 24 paragraph 2) shall be deemed equivalent to conditional release from the institution for dangerous repeat offenders.

#### § 48

##### *Probationary periods*

1) The probationary period after conditional release from a term of imprisonment shall be at least one year and at most three years. If the continuation of a treatment referred to in § 51 paragraph 3 to which the convicted person has given his/her consent proves to be necessary to be able to justify a conditional release (§ 46 paragraph 3), the duration of the probationary period shall be at least one and no more than five years. If the conditionally suspended remainder of the sentence exceeds three years, or if the conditional release from a term of imprisonment of more than one year is for an offence against sexual self-determination or other sexual offences, then the probationary period shall be five years. In the case of conditional release from a term of imprisonment for life, the probationary period shall be ten years.<sup>47</sup>

2) The probationary period after release from an institution for mentally abnormal offenders and from an institution for dangerous repeat offenders shall be ten years, but if the offence that led to the placement carries a penalty not more severe than imprisonment of ten years, then the probationary period shall be only five years. In the case of release from an institution for

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<sup>47</sup> § 48 paragraph 1 amended by LGBl. 2019 no. 124.

offenders in need of withdrawal, the probationary period shall be at least one year and at most five years.<sup>48</sup>

3) If the conditional suspension of the remainder of the sentence or the conditional release from a preventive measure involving deprivation of liberty is not revoked, it shall be declared definite. Any time periods commencing as soon as the sentence has been enforced or the preventive measure has been executed shall, in such a case, be calculated from the time of conditional release from the sentence or preventive measure.

#### § 49

##### *Calculation of probationary periods*

The probationary period shall commence once the decision becomes final by which the conditional suspension (§ 43 to § 45) or conditional release (§ 46 and § 47) has been pronounced. Times during which the convicted person was in detention pursuant to official orders shall not be included in the probationary period.

#### § 50<sup>49</sup>

##### *Issuing of instructions and ordering of probation assistance*

1) If an offender's sentence or preventive measure involving deprivation of liberty has been conditionally suspended or if he is granted conditional release from a term of imprisonment or a preventive measure involving deprivation of liberty, then the court shall issue instructions to him or order probation assistance, to the extent necessary or useful to prevent the offender from committing further acts carrying a penalty. The same shall apply if the pronouncement of the sentence is subject to a probationary period (§ 8 of the Juvenile Court Act) or if the start of the enforcement of a sentence of imprisonment imposed for an act committed before reaching the age of twenty-one is deferred for a duration of more than three months in accordance with article 6 paragraph 1(b) of the Enforcement of Sentences Act or § 33 of the Juvenile Court Act.

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<sup>48</sup> § 48 paragraph 2 amended by LGBl. 2006 no. 100.

<sup>49</sup> § 50 amended by LGBl. 2019 no. 124.

2) Probation assistance shall always be ordered if a convicted person is conditionally released

1. prior to having served two thirds of a term of imprisonment (§ 46 paragraph 1),
2. from imprisonment for an act committed before reaching the age of 21,
3. from imprisonment for an offence against sexual self-determination or other sexual offences,
4. from a term of imprisonment of more than five years, or
5. from imprisonment for life.

In the cases referred to in sub-paragraphs 1 and 2, no probation assistance shall be ordered only if, on the basis of the type of the act, the character of the offender and his/her development, it can be assumed that even without any such order he/she will not commit any further offences.

2a) Probation assistance shall not be ordered if, due to the place of residence or abode of the convicted person, any such probation assistance must be regarded as not useful from the start.

3) Instructions as well as orders of probation assistance shall be valid for the duration of the time period determined by the court, but at the most until the end of the probationary period, to the extent they are not lifted or do not become moot beforehand. In the case referred to in paragraph 2 sub-paragraph 4, probation assistance shall be ordered at least for the first year and, in the case referred to in paragraph 2 sub-paragraph 5, at least for the first three years after the release.

## § 51

### *Instructions*

1) Instructions may be commands and prohibitions, compliance with which appears capable of preventing the offender from committing further acts carrying a penalty. Instructions that would constitute an unreasonable intervention in the offender's personal rights or conduct of life shall be impermissible.

2) In particular, the offender may be required to live in a particular place, with a particular family, or in a particular home,



to avoid a particular abode, particular places, or particular dealings, to refrain from alcoholic beverages, to learn or practice a suitable profession as appropriate as possible to his knowledge, skills, and inclinations, to report every change of his place of stay or workplace, and to report information to the court or to another institution at certain intervals. The offender may also be required to rectify the damage arising from his act to the best of his ability, if this has an influence on whether enforcement of the sentence is needed to deter others from committing offences.

3) With his consent, the offender may also be instructed under the conditions set out in paragraph 1 to undergo withdrawal treatment, psychotherapeutic treatment or other medical treatment. The instruction to undergo medical treatment involving a surgical procedure may, however, not be issued even with the consent of the offender.

4) During the probationary period, the court shall also subsequently issue instructions or amend or lift instructions already issued, to the extent doing so appears necessary pursuant to § 50.

## § 52

### *Probation assistance*<sup>50</sup>

1) Where the court orders probation assistance, the head of the secretariat shall appoint a probation officer for the offender and notify such probation officer to the court. The probation officer shall endeavour with words and deeds to help the offender find his way to a conduct of life and attitude that are able to prevent him from committing acts carrying a penalty in future. To the extent necessary for that purpose, the probation officer shall assist him in an appropriate manner in his efforts to meet essential daily needs, especially to find housing and work.<sup>51</sup>

2) The probation officer shall report on his activities and observations to the court,<sup>52</sup>

1. to the extent demanded by the court or to the extent necessary or useful to achieve the purpose of probation assistance,<sup>53</sup>

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<sup>50</sup> § 52 subject heading amended by LGBl. 2019 no. 124.

<sup>51</sup> § 52 paragraph 1 amended by LGBl. 2006 no. 100.

<sup>52</sup> § 52 paragraph 2 introductory sentence amended by LGBl. 2006 no. 100.

<sup>53</sup> § 52 paragraph 2 sub-paragraph 1 amended by LGBl. 2006 no. 100.

2. if there are grounds to lift probation assistance,<sup>54</sup>
3. in any event, however, six months after probation assistance has been ordered and when it comes to an end,<sup>55</sup>
4. during court supervision (§ 52a paragraph 2).<sup>56</sup>

3) During the probationary period, the court shall also subsequently order probation assistance or lift it, to the extent doing so appears necessary pursuant to § 50. In the cases referred to in § 50 paragraph 2 sub-paragraphs 1 to 4, it must in any case be decided after the expiration of one year from the release, after obtaining a report from the probation officer and a statement from the head of the competent secretariat for probation assistance, if the order concerning the probation assistance continues to be necessary or useful.<sup>57</sup>

§ 52a<sup>58</sup>

*Court supervision of sexual offenders and sexually motivated violent offenders*

1) If conditional release is granted to an offender who has been sentenced to a term of imprisonment or against whom a preventive measure involving deprivation of liberty has been ordered for an offence

1. against sexual self-determination or for other sexual offences,  
or
2. against life and limb or liberty, if that act was committed to arouse or gratify himself sexually,

then he shall be placed under court supervision for the duration of the probationary period, to the extent monitoring of the behaviour of the offender (paragraph 2), in particular with regard to compliance with an instruction issued in accordance with § 51 paragraph 3 or an instruction not to engage in certain occupations, is necessary or useful to prevent him from committing further such acts carrying a penalty.

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<sup>54</sup> § 52 paragraph 2 sub-paragraph 2 amended by LGBl. 2006 no. 100.

<sup>55</sup> § 52 paragraph 2 sub-paragraph 3 amended by LGBl. 2006 no. 100.

<sup>56</sup> § 52 paragraph 2 sub-paragraph 4 inserted by LGBl. 2011 no. 184.

<sup>57</sup> § 52 paragraph 3 amended by LGBl. 2019 no. 124.

<sup>58</sup> § 52a inserted by LGBl. 2011 no. 184.

2) During the court supervision, the court shall monitor the behaviour of the offender and compliance with the instructions, with the help of probation assistance, and in appropriate cases with the involvement of the National Police, child and youth welfare services or other appropriate institutions. The institutions entrusted with monitoring shall report information to the court on the measures taken by them and on their observations. The probation officer shall report information to the court upon the order of court supervision, to the extent demanded by the court or to the extent necessary or useful, but in any event at least every three months during the first half of the court supervision and at least every six months during the second half.

§ 53

*Revocation of conditional suspension of a sentence and of conditional release from a term of imprisonment*

1) Where an offender is convicted for an offence committed during the probationary period, the court shall revoke the conditional suspension of a sentence or the conditional release from a term of imprisonment and have the sentence, the part of the sentence, or the remainder of the sentence enforced, if, in addition to the new conviction, doing so appears necessary in light of the new conviction to prevent the offender from committing further offences. If the revocation relates to a conditional release from imprisonment for life, the remainder of the sentence, with regard to the time requirements for another conditional release from a term of imprisonment, shall be treated equivalently to a sentence of imprisonment of ten years. An offence committed by the offender during the time between the decision in the first instance and the time the decision on granting of conditional suspension of a sentence or of conditional release becomes final or during official detention not counted toward the probationary period (§ 49) shall be deemed equivalent to an offence committed during the probationary period.<sup>59</sup>

2) If, during the time period determined by the court, the offender after receiving formal warning deliberately fails to observe an instruction or if the offender persistently abstains from the influence of the probation officer, the court shall revoke the conditional suspension of the sentence or the conditional release

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<sup>59</sup> § 53 paragraph 1 amended by LGBL 2016 no. 161.

and have the sentence or the remainder of the sentence enforced, if in the circumstances this appears necessary to prevent the offender from committing offences. Sentence 2 of paragraph 1 shall apply *mutatis mutandis*.<sup>60</sup>

3) Where, in the case of paragraphs 1 and 2, the conditional suspension of a sentence or release is not revoked, the court may extend the probationary period to at most five years, if its determined duration was shorter. The court may extend the probationary period to a maximum of fifteen years in cases involving conditional release from imprisonment for life. At the same time, the court shall review whether and which instructions should be reissued and whether a probation officer should be appointed, if none has been appointed so far.<sup>61</sup>

4) If, toward the end of the original or extended probationary period after conditional release from a term of imprisonment for life or from a term of imprisonment of more than five years for an offence against sexual self-determination or other sexual offences, there are other particular reasons to believe that the offender requires further probation, the court may extend the probationary period by at most three years. A further extension shall be permissible.<sup>62</sup>

#### § 54<sup>63</sup>

##### *Revocation of the conditional suspension of a preventive measure and of conditional release from a preventive measure*

1) A conditional suspension of placement in an institution for mentally abnormal offenders or in an institution for offenders in need of withdrawal and the conditional release from an institution referred to in § 21 to § 23 shall be revoked under the conditions set out in § 53, if the circumstances referred to therein indicate that the dangerousness the preventive measure was meant to contain still exists.

2) If, in the case of paragraph 1, the conditional suspension of the placement in or the conditional release from an institution mentioned in § 21 is not revoked, the court may extend the

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<sup>60</sup> § 53 paragraph 2 amended by LGBL 2016 no. 161.

<sup>61</sup> § 53 paragraph 3 amended by LGBL 2016 no. 161.

<sup>62</sup> § 53 paragraph 4 inserted by LGBL 2011 no. 184.

<sup>63</sup> § 54 amended by LGBL 2016 no. 161.

probationary period to a maximum of fifteen years. If the probationary period is only five years, the court may extend that period to a maximum of ten years. At the same time, the court shall review whether and which instructions should be reissued and whether a probation officer should be appointed, if none has been appointed so far.

3) If, toward the end of the original or extended probationary period there are particular reasons to believe that the threat of placement in an institution continues to be necessary in order to contain the dangerousness against which the preventive measure is directed, the court may extend the probationary period to a maximum of three years. A further extension shall be permissible.

4) If, in case of a conditional suspension of placement in or conditional release from an institution mentioned in § 21 paragraph 1, the offender has been instructed to undergo medical treatment, and if there is reason to believe that the offender fails to comply with the instruction, thus requiring hospitalization to contain the dangerousness against which the preventive measure was directed, the court shall notify the National Police which shall provisionally detain the person concerned and present such person to the public medical officer. The court shall be notified of any measures subsequently taken.

5) If, however, in case of a conditional release from one of the institutions mentioned in § 21 to § 23, the preventive measure is ordered again due to an offence committed during the probationary period (§ 53 paragraph 1), any such order shall render any prior order of this measure moot.

6) The conditional release from an institution for offenders in need of withdrawal shall not be revoked if the continuation of the treatment has no prospect of success from the outset.

## § 55

### *Revocation in case of subsequent conviction*

1) A conditional suspension of a sentence, part of a sentence and placement in an institution for offenders in need of withdrawal shall be revoked if there is a subsequent conviction in accordance with § 31 and the conditional suspension would not

have been granted if the cases had been adjudicated at the same time.<sup>64</sup>

2) Where the sentence, part of the sentence or placement in an institution for offenders in need of withdrawal was conditionally suspended upon the subsequent conviction, this suspension shall be revoked if it had not been granted if the cases had been adjudicated at the same time, and if the conviction that should have been considered in accordance with § 31 was not on the record.<sup>65</sup>

3) If the conditional suspension is not revoked, each of the coinciding probationary periods shall last until expiry of the probationary period that ends last, but at most five years.

#### § 56

##### *Revocation deadlines*

The orders provided for in § 53 to § 55 may be imposed by the court only during the probationary period, but in the case of an offence committed during that period, also within six months after expiry of the probationary period or after the end of criminal proceedings pending against the offender at the time of expiry of that period.

## Section 6

### Limitation

#### § 57

##### *Limitation for criminal liability*

1) Offences carrying a penalty of imprisonment of ten to twenty years or for life, as well as offences referred to in section 25 shall not be subject to a limitation period. After expiry of a period of twenty years, however, a penalty of imprisonment of ten to twenty years shall replace penalties of imprisonment for life.

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<sup>64</sup> § 55 paragraph 1 amended by LGBl. 2006 no. 100.

<sup>65</sup> § 57 paragraph 1 amended by LGBl. 2019 no. 124.

Paragraph 2 and § 58 shall apply mutatis mutandis to the time period.<sup>66</sup>

2) The criminal liability for other acts shall be subject to limitation. The limitation period shall commence as soon as the activity carrying a penalty has been completed or the conduct carrying a penalty has ceased.

3) The limitation period shall be

twenty years,

if the act carries a penalty of imprisonment of ten to twenty years or for life, or if it does not carry a penalty of imprisonment for life but does carry a penalty of imprisonment of more than ten years;

ten years,

if the act carries a penalty of imprisonment of more than five years, but at most ten years;

five years,

if the act carries a penalty of imprisonment of more than one year, but at most five years;

three years,

if the act carries a penalty of imprisonment of more than six months, but at most one year;

one year,

if the act carries a penalty of imprisonment of not more than six months or only a monetary penalty.

4) Once the limitation period has expired, forfeiture and preventive measures shall also become impermissible.<sup>67</sup>

## § 58

### *Extension of the limitation period*

1) If a result belonging to the elements of an offence occurs only after the activity carrying a penalty has been completed or if the conduct carrying a penalty has ceased, then the limitation

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<sup>66</sup> § 57 paragraph 1 amended by LGBl. 2006 no. 100.

<sup>67</sup> § 57 paragraph 4 amended by LGBl. 2016 no. 161.

period shall not come to an end before either it has elapsed also since the result came to pass or one and a half times its duration, but at least three years, has passed since the point in time referred to in § 57 paragraph 2.

2) If, during the limitation period, the perpetrator again commits an act carrying a penalty that arises from the same harmful inclination, the limitation period shall not end until the limitation period has expired also for that act.

3) The limitation period shall not include:

1. the time during which, in accordance with a legal provision, prosecution cannot be initiated or continued, unless otherwise provided in paragraph 4;
2. the time during which criminal proceedings for the act are pending in court against the perpetrator;
3. the time until the victim of an offence against life and limb, against liberty, against sexual self-determination or another sexual offence has reached the age of 28 years, provided that the victim was a minor when the act was committed.<sup>68</sup>

3a) A suspension of the limitation period which occurs pursuant to the preceding paragraphs shall remain in force, even if, due to a subsequent modification of the law, the limitation period for the act at the time of the suspension had already expired under the new law.<sup>69</sup>

4) If the act is prosecuted only upon demand, on application, or with the authorization of a person entitled to grant authorization, then the limitation period shall not be suspended because the prosecution is not demanded or applied for or the authorization has not been given.

## § 59

### *Limitation of enforceability*

1) The enforceability of a sentence of imprisonment for life, a sentence of imprisonment of more than ten years, a penalty imposed for an offence referred to in section 25, and placement in

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<sup>68</sup> § 58 paragraph 3 sub-paragraph 3 amended by LGBl. 2019 no. 124.

<sup>69</sup> § 58 paragraph 3a inserted by LGBl. 2019 no. 124.



an institution for mentally abnormal offenders or for dangerous repeat offenders shall not be subject to limitation.<sup>70</sup>

2) The enforceability of other sentences, forfeiture and preventive measures shall be subject to limitation. The limitation period shall commence once the decision becomes final in which the sentence, forfeiture or preventive measures was imposed.<sup>71</sup>

3) The period shall be

fifteen years,

if a sentence of imprisonment of more than one year, but not more than ten years was imposed;

ten years,

if a sentence of imprisonment of more than three months, but not more than one year was imposed, or a monetary penalty subject to an alternative term of imprisonment of more than three months was imposed;

five years

in all other cases.

4) If multiple sentences or preventive measures were imposed simultaneously, the limitation of enforceability of all these sentences or measures shall be determined by the sentence or measure with the longest limitation period. If a sentence of imprisonment and a monetary penalty were imposed at the same time, the alternative term of imprisonment shall be added to the term of imprisonment in order to calculate the limitation period.<sup>72</sup>

## § 60

### *Extension of the period of limitation for enforceability*

1) If a new sentence or preventive measure is imposed on the convicted person during the limitation period, the period of limitation for enforceability shall not come to an end until the enforceability of that sentence or preventive measure has also expired.

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<sup>70</sup> § 59 paragraph 1 amended by LGBl. 2019 no. 124.

<sup>71</sup> § 59 paragraph 2 amended by LGBl. 2016 no. 161.

<sup>72</sup> § 59 paragraph 4 amended by LGBl. 2016 no. 161.

2) The limitation period shall not include:

1. the probationary period in case of a conditionally suspended sentence or conditionally suspended placement in an institution for offenders in need of withdrawal or in the case of conditional release;
2. time periods for which the convicted person has been granted a deferral of enforcement of a sentence of imprisonment, except on grounds of unsuitability for enforcement, or of payment of a monetary penalty;
3. times during which the convicted person was in detention pursuant to official orders;
4. times during which the convicted person was abroad.<sup>73</sup>

3) The enforcement of a sentence of imprisonment or of a preventive measure involving deprivation of liberty shall interrupt the limitation period. Once the interruption has come to an end, without the convicted person having been granted final release, the limitation period shall resume, without prejudice to paragraph 2.

## Section 7

### Scope of application

#### § 61

##### *Temporal application*

The criminal laws shall be applied to acts committed after their entry into force. They shall be applied to acts committed earlier if the laws in force at the time of the act, in their overall effect, were not more favourable to the perpetrator.

#### § 62

##### *Offences in Liechtenstein*

The Liechtenstein criminal laws shall apply to all acts committed in Liechtenstein.

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<sup>73</sup> § 60 paragraph 2 sub-paragraph 4 amended by LGBl. 2006 no. 100.

## § 63

*Offences committed on board Liechtenstein ships or aircraft*

The Liechtenstein criminal laws shall also apply to acts committed on a Liechtenstein ship or aircraft, irrespective of where the ship or aircraft is located.

## § 64

*Offences abroad that are punished irrespective of the laws of the place of their commission*

1) The Liechtenstein criminal laws shall apply to the following acts committed abroad, irrespective of the criminal laws of the place where the act is committed:<sup>74</sup>

1. high treason (§ 242), preparation of high treason (§ 244), subversive groups (§ 246), attacks against senior state institutions (§ 249 to § 251) and treason (§ 252 to § 258), and offences against national defence (§ 259 and § 260);
2. offences committed against a Liechtenstein official (§ 74 paragraph 1 sub-paragraph 4) , a Liechtenstein office holder (§ 74 paragraph 1 sub-paragraph 4a) or a Liechtenstein arbitrator (§ 74 paragraph 1 sub-paragraph 4b) during or because of the execution of his duties and offences committed as a Liechtenstein official, Liechtenstein office holder or Liechtenstein arbitrator;<sup>75</sup>
- 2a. except in the case of sub-paragraph 2, punishable violations of official duties, corruption and related offences (§ 302 to § 309), if<sup>76</sup>
  - a) the perpetrator was a Liechtenstein citizen at the time of committing the offence, or
  - b) the offence was committed to the benefit of a Liechtenstein office holder or Liechtenstein arbitrator;
3. false testimony in court (§ 288) and false testimony before an administrative authority under oath or confirmed by oath

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<sup>74</sup> § 64 paragraph 1 introductory sentence amended by LGBl. 2000 no. 256.

<sup>75</sup> § 64 paragraph 1 sub-paragraph 2 amended by LGBl. 2016 no. 161.

<sup>76</sup> § 64 paragraph 1 sub-paragraph 2a inserted by LGBl. 2016 no. 161.

- (§ 289) with respect to proceedings pending in a Liechtenstein court or before a Liechtenstein administrative authority;
4. violation of a business or trade secret (§ 122), spying out a business or trade secret (§ 123), spying out a business or trade secret for use abroad (§ 124), counterfeiting money (§ 232), counterfeiting specially protected securities punishable pursuant to § 232 (§ 237), preparation of counterfeiting of money, of forgery of securities or stamps (§ 239), criminal organization (§ 278a), and crimes against the provisions of the narcotics legislation if the act has violated Liechtenstein interests or if the perpetrator cannot be extradited;<sup>77</sup>
  - 4a. genital mutilation as defined by § 90 paragraph 3, extortionate kidnapping (§ 102), delivery to a foreign power (§ 103), slave trade (§ 104), trafficking in humans (§ 104a), aggravated coercion as defined by § 106 paragraph 1 sub-paragraph 3, forced marriage (§ 106a), illegal adoption placements (§ 193a), rape (§ 200), sexual assault (§ 201), sexual harassment of under-age persons as defined by § 203 paragraph 2, sexual abuse of a defenceless or mentally impaired person (§ 204), aggravated sexual abuse of under-age persons (§ 205), sexual abuse of under-age persons (§ 206), endangerment of the morals of under-age persons or adolescents (§ 207), sexual abuse of minors (§ 208), initiation of sexual contacts with under-age persons (§ 209), immoral influence on under-age persons (§ 209a), abuse of a relationship of authority as defined by § 212 paragraph 1, arrangement of sexual contacts with minors in return for a valuable consideration (§ 214), promotion of prostitution and pornographic performances of minors (§ 215a), cross-border trafficking in prostitution (§ 217) and pornographic depictions of minors (§ 219), if<sup>78</sup>
    - a) the perpetrator or the victim is a Liechtenstein citizen or has his place of residence or his habitual abode in Liechtenstein,
    - b) the act has violated other Liechtenstein interests, or
    - c) the perpetrator was, at the time of the act, a foreign national who is in Liechtenstein and cannot be extradited;

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<sup>77</sup> § 64 paragraph 1 sub-paragraph 4 amended by LGBl. 2015 no. 209.

<sup>78</sup> § 64 paragraph 1 sub-paragraph 4a amended by LGBl. 2015 no. 209.

- 4b. production and dissemination of weapons of mass destruction (§ 177a), if the perpetrator is a Liechtenstein citizen, however, with regard to the development of nuclear or radiological weapons only insofar as the act has not been committed by order or under the responsibility of a Party to the Treaty on the Non-Proliferation of Nuclear Weapons, LGBl. 1978 no. 15, which is a nuclear-weapon state;<sup>79</sup>
- 4c. torture (§ 312a), disappearance of a person (§ 312b) and offences referred to in section 25, if<sup>80</sup>
- a) the perpetrator or the victim is a Liechtenstein citizen,
  - b) the act has violated other Liechtenstein interests, or
  - c) the perpetrator was a foreign national, at the time of the act, and has his/her habitual abode in Liechtenstein or is in Liechtenstein and cannot be extradited.
5. air piracy (§ 185), offences against life and limb or against liberty committed in connection therewith, and intentional endangerment of aviation safety (§ 186) if
- a) the offence is directed against a Liechtenstein aircraft,
  - b) the aircraft lands in the Principality of Liechtenstein and the perpetrator is still on board,
  - c) the aircraft without crew is leased to someone who has his business domicile or, if no such business domicile exists, his habitual abode in the Principality of Liechtenstein, or
  - d) the perpetrator is in the Principality of Liechtenstein and is not extradited;
6. other offences which the Principality of Liechtenstein is required to prosecute, irrespective of the criminal laws of the place where the offence is committed, even if they are committed abroad;
7. offences that a Liechtenstein citizen commits against another Liechtenstein citizen, if both have their place of residence or habitual abode in Liechtenstein;
8. Repealed<sup>81</sup>

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<sup>79</sup> § 64 paragraph 1 sub-paragraph 4b inserted by LGBl. 2019 no. 124.

<sup>80</sup> § 64 paragraph 1 sub-paragraph 4c inserted by LGBl. 2019 no. 124.

9. participation (§ 12) in an offence committed by the immediate perpetrator in Liechtenstein, as well as handling stolen goods (§ 164) and money laundering (§ 165) with respect to a (predicate) offence committed in Liechtenstein;<sup>82</sup>
10. terrorist group (§ 278b) and terrorist offences (§ 278c) as well as offences pursuant to § 128 to § 131, § 144 and § 145 as well as § 223 and § 224 committed in connection therewith, in addition terrorist financing (§ 278d), training for terrorist purposes (§ 278e), instruction to cause the commission of a terrorist offence (§ 278f), travelling for terrorist purposes (§ 278g) as well as offences pursuant to §§ 223 and 224 committed in connection therewith, as well as instigation and endorsement of terrorist offences (§ 282a), if<sup>83</sup>
  - a) the perpetrator was a Liechtenstein citizen at the time of the act or acquired Liechtenstein citizenship at a later point in time and still holds it at the time the criminal proceedings are initiated,
  - b) the perpetrator had or has his residence or habitual abode in Liechtenstein at the time when the act was committed or the criminal proceedings were instituted,<sup>84</sup>
  - c) the act was committed for the benefit of a legal person domiciled in Liechtenstein,
  - d) the act was committed against the Reigning Prince, Parliament, the Government, a court or other authorities or against the population of the Principality of Liechtenstein,
  - e) the perpetrator was a foreign national at the time of the act, is in Liechtenstein, and cannot be extradited;<sup>85</sup>

11. Repealed<sup>86</sup>

2) If the criminal laws mentioned in paragraph 1 cannot be applied merely because the act is an act punishable with a more severe penalty, then the act committed abroad shall nevertheless be punished in accordance with Liechtenstein criminal laws,

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<sup>81</sup> § 64 paragraph 1 sub-paragraph 8 repealed by LGBL 2015 no. 111.

<sup>82</sup> § 64 paragraph 1 sub-paragraph 9 amended by LGBL 2003 no. 236.

<sup>83</sup> Introductory sentence of § 64 paragraph 1 sub-paragraph 10 amended by LGBL 2019 no. 158.

<sup>84</sup> § 64 paragraph 1 sub-paragraph 10 letter b) amended by LGBL 2019 no. 158.

<sup>85</sup> § 64 paragraph 1 sub-paragraph 10 inserted by LGBL 2003 no. 236.

<sup>86</sup> § 64 paragraph 1 sub-paragraph 11 inserted by LGBL 2003 no. 236.

irrespective of the criminal laws of the place where the act is committed.

§ 65

*Offences abroad that are punished only if they carry a penalty under the laws of the place where they are committed*

1) For acts other than those referred to in § 63 and § 64 that have been committed abroad, the Liechtenstein criminal laws shall apply, provided that the acts also carry a penalty under the laws of the place where they are committed, if:

1. the perpetrator was a Liechtenstein citizen at the time of the act or acquired Liechtenstein citizenship at a later point in time and still holds it at the time the criminal proceedings are initiated;
2. the perpetrator was a foreign national at the time of the act, is caught in Liechtenstein, and cannot be extradited abroad for reasons other than the type or nature of his act.<sup>87</sup>

2) The penalty shall be determined in such a manner that the perpetrator is not treated less favourably in the overall effect than under the law of the place where the act is committed.

3) If there is no penal power at the place where the act is committed, it shall suffice if the act is punishable under Liechtenstein laws.

4) The act shall not be punishable however:

1. if the act is no longer punishable under the laws of the place where it is committed;
2. if the perpetrator has been acquitted by a final decision by a court of the state in which the act has been committed or the prosecution has otherwise been dropped;
3. if the perpetrator has been convicted by a final judgement before a foreign court and the sentence has been enforced in its entirety or, to the extent it has not been enforced, it has been remitted or the period of limitation for enforceability under the law of the foreign state has expired;

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<sup>87</sup> § 65 paragraph 1 sub-paragraph 2 amended by LGBl. 2006 no. 100.

4. for as long as the enforcement of the sentence imposed by the foreign court is stayed in whole or in part.<sup>88</sup>

5) Preventive measures provided for under Liechtenstein laws shall, if the conditions therefor apply, be ordered against a Liechtenstein citizen even if he cannot be punished in Liechtenstein for any of the reasons set out in the preceding paragraph.

§ 65a<sup>89</sup>

*Extended scope of application of forfeiture and deprivation orders for offences committed abroad*

Forfeiture and deprivation order provisions shall also apply to assets and objects situated in Liechtenstein with regard to offences which are punishable under the laws of the place where they have been committed, but which are, pursuant to § 62 to § 65, not governed by the criminal laws of Liechtenstein.

§ 66

*Taking account of sentences served abroad*

If the perpetrator has already served a sentence abroad for an act for which he is punished in Liechtenstein, the sentence served abroad shall be counted toward the sentence imposed in Liechtenstein.

§ 67

*Time and place of the act*

1) The perpetrator shall be deemed to have committed an act carrying a penalty at the time he acted or should have acted; it shall be irrelevant when the result occurs.

2) The perpetrator shall be deemed to have committed an act carrying a penalty at any place where he acted or should have acted or where a result corresponding to the elements of the

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<sup>88</sup> § 65 paragraph 4 sub-paragraph 4 inserted by LGBl. 2006 no. 100.

<sup>89</sup> § 65a amended by LGBl. 2016 no. 161.



offence occurred in whole or in part or, as conceived by the perpetrator, should have occurred.

## Section 8 Definitions

### § 68

#### *Calculation of time*

Years and months shall be calculated according to the calendar. Time periods shall be calculated in such a manner that the day of the event with which the time period commences is not included. Time periods shall end with the expiry of the last day.

### § 69

#### *Commission in public*

An act shall be deemed to have been committed in public only if it can be directly perceived by a larger group of persons.

### § 70

#### *Commission on a commercial basis*

Any person shall be deemed to commit an offence on a commercial basis if such person commits the act with the purpose of obtaining regular income by repeatedly committing the act.

### § 71

#### *Harmful inclination*

Acts carrying a penalty shall be deemed to arise from the same harmful inclination if they are directed against the same legal interest or are due to the same reprehensible motives or the same lack of character.

§ 72<sup>90</sup>*Relatives*

1) The relatives of a person shall be deemed to be the person's relations by blood or marriage in direct line, the person's spouse or registered partner and the siblings of the spouse or registered partner, the person's siblings and their spouses or registered partners, children and grandchildren, the siblings of the person's parents and grandparents, the person's cousins, the father or the mother of the person's child, the person's adopted and foster parents, the person's adopted and foster children, the guardians of minors and the person's wards.<sup>91</sup>

2) Persons living together in a de facto life partnership shall be treated like relatives, and children and grandchildren of one of the persons shall be treated like relatives of the other person as well.

## § 73

*Foreign convictions*

Unless the law expressly refers to conviction by a domestic court, foreign convictions shall be deemed equivalent to domestic convictions if they convict the offender for an act that is also punishable judicially under the laws of the Principality of Liechtenstein, and if they were imposed in proceedings according to the principles of article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

## § 74

*Other definitions*

1) For the purposes of this Act, the following terms shall have the following meanings:

1. under-age: any person who has not yet reached the age of fourteen;
2. adolescent: any person who has reached the age of fourteen, but not yet the age of eighteen;

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<sup>90</sup> § 72 amended by LGBL 2011 no. 379.

<sup>91</sup> § 72 paragraph 1 amended by LGBL 2019 no. 124.

3. minor: any person who has not yet reached the age of eighteen;<sup>92</sup>
4. official: any person appointed in the name of the state, a municipal association, a municipality, or another person under public law, with the exception of a church or religious group, to carry out legal acts as a body thereof alone or together with another, or otherwise entrusted with responsibilities of the national administration or municipal administration; an official shall also include any person who is treated equally to a Liechtenstein official under another law or by virtue of an intergovernmental treaty upon domestic deployment;<sup>93</sup>
  - 4a. office holder: any person who<sup>94</sup>
    - a) for the state, a municipal association, a municipality, another person under public law, with the exception of a church or religious group, for another state or for an international organization, exercises legislative, administrative or judicial responsibilities as an organ or employee thereof,
    - b) otherwise is authorized to exercise official duties in the execution of laws on behalf of any of the corporate entities set out in sub-paragraph a, or
    - c) acts as a body or employee of a company in which one or more domestic or foreign regional authorities directly or indirectly have a stake of more than 50 per cent in the share capital, capital stock or equity, and that is operated by such a regional authority alone or together with other such regional authorities or that is actually controlled by such a regional authority through financial or other economic or organizational measures;
  - 4b. arbitrator: any decision-maker of an arbitration court for the purposes of § 603 et seqq. of the Code of Civil Procedure having its seat in Liechtenstein or having a seat yet to be determined (Liechtenstein arbitrator) or having a seat in a foreign country;<sup>95</sup>
5. dangerous threat: a threat involving harm to body, liberty, honour, property or the very personal area of life by way of

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<sup>92</sup> § 74 paragraph 3 amended by LGBl. 2000 no. 46.

<sup>93</sup> § 74 paragraph 1 sub-paragraph 4 amended by LGBl. 2016 no. 161.

<sup>94</sup> § 74 paragraph 1 sub-paragraph 4a amended by LGBl. 2016 no. 161.

<sup>95</sup> § 74 paragraph 1 sub-paragraph 4b inserted by LGBl. 2016 no. 161.

making accessible, announcing or publishing facts or image recordings, capable of giving the threatened person well-founded concerns, considering the circumstances and the threatened person's personal characteristics or the gravity of the threatened harm, without distinction as to whether the threatened harm is directed against the threatened person himself, his relatives, or other persons under his protection or persons personally close to him;<sup>96</sup>

6. valuable consideration: any consideration amenable to valuation in money, even if it is meant for a person other than the person to whom it is offered or given;
7. document: anything in writing that has been drafted to establish, change, or repeal a right or a legal relationship or to prove a fact of legal significance;
8. computer system: both individual and connected devices serving automatic data processing.<sup>97</sup>
9. non-cash means of payment: any personal or transferable physical means of payment which indicates the issuer, which is protected against forgery or misuse through coding, its design or a signature and which, in legal dealings, has a function that replaces cash or serves the spending of cash;<sup>98</sup>
10. critical infrastructure: facilities, plants, systems or parts thereof which are essential for the maintenance of public security, national defence or the protection of the civilian population against threats of war, for the functioning of public information and communications technology, for the prevention or the fight against disasters, for public health services, for the public supply of water, energy and for the supply of goods essential for survival, for public waste disposal and sewage services, or for public transport.<sup>99</sup>

1a) For the purposes of this Act, data shall be deemed both personal and non-personal data as well as programmes.<sup>100</sup>

2) If a provision refers to the term "object" or "good", it shall apply *mutatis mutandis* to animals.<sup>101</sup>

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<sup>96</sup> § 74 paragraph 1 sub-paragraph 5 amended by LGBl. 2019 no. 124.

<sup>97</sup> § 74 paragraph 8 inserted by LGBl. 2009 no. 228.

<sup>98</sup> § 74 paragraph 1 sub-paragraph 9 inserted by LGBl. 2019 no. 124.

<sup>99</sup> § 74 paragraph 1 sub-paragraph 10 inserted by LGBl. 2019 no. 124.

<sup>100</sup> § 74 paragraph 1a inserted by LGBl. 2009 no. 228.

3) Executives shall refer to the employees of an enterprise with significant influence on the management of the company. Managers, members of the executive board or the board of directors and authorized signatories shall be equivalent to them.<sup>102</sup>

## Section 9

### Liability of legal persons<sup>103</sup>

#### § 74a<sup>104</sup>

##### *Liability*

- 1) To the extent they are not acting in enforcement of the laws, legal persons shall be liable for any misdemeanours and crimes committed by managers unlawfully and culpably in their capacity in the performance of business activities and within the framework of the purpose of the legal person (underlying acts).
- 2) Legal persons shall mean
  1. legal persons entered in the commercial register as well as legal persons which neither have their domicile nor a place of operation or establishment in Liechtenstein, insofar as these would have to be entered in the commercial register under domestic law, and
  2. foundations and associations not entered in the commercial register as well as foundations and associations which neither have their domicile nor a place of operation or establishment in Liechtenstein.<sup>105</sup>
- 3) Managing staff shall mean any person
  1. authorized to represent the legal person in external relations,
  2. who performs control powers in a leading capacity, or

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<sup>101</sup> § 74 paragraph 2 inserted by LGBl. 2003 no. 157.

<sup>102</sup> § 74 paragraph 3 inserted by LGBl. 2016 no. 161.

<sup>103</sup> Heading preceding § 74a inserted by LGBl. 2010 no. 378.

<sup>104</sup> § 74a inserted by LGBl. 2010 no. 378.

<sup>105</sup> § 74a paragraph 2 amended by LGBl. 2013 no. 6.

3. otherwise exerts significant influence over the business management of the legal person.

4) Where the underlying acts have been committed by employees of the legal person, even though not culpably, the legal person shall be liable only if the commission of the act was made possible or was significantly facilitated by the failure of managing staff, as defined by paragraph 3, to take the necessary and reasonable measures to prevent such underlying acts.

5) The liability of the legal person for the underlying act and the criminal liability of the managing staff or employees for the same act shall not be exclusive of each other.

§ 74b<sup>106</sup>

*Corporate monetary penalty*

1) Where a legal person is liable for an underlying act, a corporate monetary penalty shall be imposed on such legal person.

2) The corporate monetary penalty shall be assessed in daily rates. It shall amount to at least one daily rate.

3) The number of daily rates shall amount to no more than

180,

if the act carries a penalty of imprisonment for life or imprisonment of up to twenty years;

155,

if the act carries a penalty of imprisonment of up to fifteen years;

130,

if the act carries a penalty of imprisonment of up to ten years;

100,

if the act carries a penalty of imprisonment of up to five years;

85,

if the act carries a penalty of imprisonment of up to three years;

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<sup>106</sup> § 74b inserted by LGBL 2010 no. 378.

70,

if the act carries a penalty of imprisonment of up to two years;

55,

if the act carries a penalty of imprisonment of up to one year;

40,

in all other cases.

4) The daily rate shall be assessed in accordance with the income situation of the legal person, taking account of its economic ability apart from the income situation. It shall be assessed at an amount that corresponds to 1/360th of the annual corporate income or that is less or more than that amount by at most one third, but at least 100 francs and at most 15,000 francs. If the legal person serves common-benefit, humanitarian, or ecclesiastic purposes or if it is otherwise not for profit, then the daily rate shall be assessed at at least 4 and at most 1,000 francs.

5) The number of daily rates shall be determined in accordance with the seriousness and consequences of the underlying act and the seriousness of the lack of organization. Additionally, the conduct of the legal person after the act shall be taken into account, especially whether it has rectified the consequences of the act.

§ 74c<sup>107</sup>

*Conditional suspension and instructions*

1) Where the legal person is sentenced to a corporate monetary penalty, the corporate monetary penalty shall be conditionally suspended and a probationary period of at least one and at most three years shall be determined, and instructions (paragraph 3) shall be issued as appropriate, if it is likely that this will be sufficient to prevent the commission of further acts for which the legal person is liable (§ 74a) and if the enforcement of the corporate monetary penalty is not needed to deter the commission of acts in the context of the activity of other legal persons. In this regard, especially the nature of the act, the seriousness of the lack of organisation, prior convictions of the legal person, the

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<sup>107</sup> § 74c inserted by LGBL 2010 no. 378.

reliability of the managing staff, and the measures taken by the legal person after the act shall be taken into account.

2) Where a legal person is sentenced to a corporate monetary penalty and the conditions referred to in paragraph 1 apply to part of the corporate monetary penalty, then that part, but at least one third and at most five sixths, shall be conditionally suspended and a probationary period of at least one and at most three years shall be determined, and instructions (paragraph 3) shall be issued as appropriate.

3) Where the corporate monetary penalty imposed on a legal person is conditionally suspended in whole or in part, the court may issue instructions imposing technical, organisational, or personnel measures on the legal person to deter the commission of further acts for which the legal person is liable. The legal person shall in any event be instructed to rectify the damage arising from the act to the best of its ability, to the extent that this has not already occurred.

#### § 74d<sup>108</sup>

##### *Legal succession*

1) Where the rights and obligations of the legal person are transferred to another legal person by way of universal succession, the legal consequences provided for under this Act or the Code of Criminal Procedure shall apply to the legal successor. Legal consequences imposed on the legal predecessor shall have effect also for the legal successor.

2) Singular succession shall be deemed equivalent to universal succession if essentially the same ownership situation with regard to the legal person exists and the operation or activity is essentially continued.

3) Where more than one legal successor exists, the corporate monetary penalty may be enforced against any legal successor. Other legal consequences may be attributed to individual legal successors to the extent that those legal consequences affect their area of activity.

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<sup>108</sup> § 74d inserted by LGBL 2010 no. 378.



§ 74e<sup>109</sup>*Domestic jurisdiction*

Where by law the validity of Liechtenstein criminal laws for acts committed abroad depends on the place of residence or abode of the perpetrator in Liechtenstein or the perpetrator's Liechtenstein citizenship, the domicile or place of operation or establishment of the legal person shall be decisive.

§ 74f<sup>110</sup>*Limitation of enforceability*

The period of limitation for enforceability of the imposed corporate monetary penalty shall be ten years.

§ 74g<sup>111</sup>*Application of the general criminal laws*

1) In all other respects, the general criminal laws shall apply mutatis mutandis also to legal persons, unless they are applicable exclusively to natural persons.

2) Where a legal person is sentenced to a corporate monetary penalty, the legal provisions on joint and several liability of legal persons for monetary penalties and costs shall not be applicable.

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109 § 74e inserted by LGBL 2010 no. 378.

110 § 74f inserted by LGBL 2010 no. 378.

111 § 74g inserted by LGBL 2010 no. 378.

## Special Part

### Section 1

### Offences against life and limb

#### § 75

##### *Murder*

Any person who kills another person shall be punished with imprisonment of ten to twenty years or for life.

#### § 76

##### *Manslaughter*

Any person who is carried away by a generally understandable extreme emotion and as a consequence kills another person shall be punished with imprisonment of five to ten years.

#### § 77

##### *Killing on demand*

Any person who kills another person on such other person's earnest and insistent demand shall be punished with imprisonment of six months to five years.

#### § 78

##### *Participation in suicide*

Any person who, for reprehensible motives, induces another person to kill himself or assists such other person in killing himself shall be punished with imprisonment of six months to five years.

§ 79<sup>112</sup>*Killing of a child at birth*

A mother who kills a child during childbirth or as long as she is still under influence of the birthing process shall be punished with imprisonment of six months to five years.

§ 80<sup>113</sup>*Negligent killing*

1) Any person who negligently causes the death of another person shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

2) If the act results in the death of several persons, the perpetrator shall be punished with imprisonment of up to two years.

§ 81<sup>114</sup>*Grossly negligent killing*

1) Any person who grossly negligently (§ 6 paragraph 3) causes the death of another person shall be punished with imprisonment of up to three years.

2) Any person shall be punished likewise who causes the death of another person negligently, after such person, prior to the act, even if only negligently, through the consumption of alcohol or the use of another intoxicating substance has put himself into a state of intoxication which does not exclude mental capacity, even though such person foresaw or could have foreseen that such person was going to engage in an act the performance of which in this state would be capable of causing or increasing a danger for the life, health or physical safety of another person.

3) Any person who grossly negligently (§ 6 paragraph 3) or in the case referred to in paragraph 2 causes the death of a larger

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112 § 79 amended by LGBl. 2019 no. 124.

113 § 80 amended by LGBl. 2019 no. 124.

114 § 81 amended by LGBl. 2019 no. 124.

number of persons shall be punished with imprisonment of six months up to five years.

§ 82

*Abandonment*

1) Any person who endangers the life of another person by putting such other person in a helpless position and abandoning such other person in that situation shall be punished with imprisonment of six months to five years.

2) Any person shall be punished likewise who endangers the life of another person who is subject to his custody or whom he otherwise is obliged to assist (§ 2) by abandoning such other person in a helpless situation.

3) If the act results in the death of the endangered person, the perpetrator shall be punished with imprisonment of one to ten years.

§ 83

*Bodily harm*

1) Any person who causes harm to the body of another person or damage to the health of such other person shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>115</sup>

2) Any person shall be punished likewise who causes bodily abuse to another person and thus negligently causes harm to such other person or damage to such other person's health.

§ 84<sup>116</sup>

*Serious bodily harm*

1) Any person who causes bodily abuse to another person, thus negligently causing damage to health lasting longer than 24 days or an incapacity to work, or serious harm in itself or damage

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<sup>115</sup> § 83 paragraph 1 amended by LGBl. 2019 no. 124.

<sup>116</sup> § 84 amended by LGBl. 2019 no. 124.

to health shall be punished with imprisonment of up to three years.

2) Any person shall be punished likewise who commits an act of bodily harm (§ 83 paragraphs 1 or 2) against an official, a witness or an expert during or because of the performance of his tasks or execution of his duties.

3) Any perpetrator shall be punished likewise who has committed at least three independent acts (§ 83 paragraphs 1 or 2) without any comprehensible cause and with use of substantial force.

4) Any person who causes bodily harm to, or damage to the health of, another person, thus, even if only negligently, causing serious bodily harm to, or damage to the health (paragraph 1), of the other person shall be punished with imprisonment of six months up to five years.

5) Any person shall be punished likewise who commits an act of bodily harm (§ 83 paragraphs 1 or 2)

1. in a manner that generally involves the risk of death,
2. by at least two persons acting in concert with each other,
3. by causing extraordinary pain.

§ 85<sup>117</sup>

*Bodily harm with serious lasting consequences*

1) Any person who causes bodily abuse to another person, thus negligently causing permanently or for a long period of time

1. the loss of or serious damage to speech, vision, hearing, or fertility,
2. a substantial mutilation or conspicuous disfigurement, or
3. serious suffering, lingering illness, or inability to work of the harmed party,

shall be punished with imprisonment of six months to five years.

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117 § 85 amended by L.GBl. 2019 no. 124.

2) Any person who causes harm to the body of another person or damage to the health of such other person, thus, even if only negligently, causing a serious lasting consequence to the other person (paragraph 1) shall be punished with imprisonment of one up to ten years.

§ 86<sup>118</sup>

*Bodily harm leading to death*

1) Any person who causes bodily abuse to another person, thus negligently causing such person's death, shall be punished with imprisonment of one to ten years.

2) Any person who causes harm to the body of another person or damage to the health of such other person, thus negligently causing such person's death, shall be punished with imprisonment of one to fifteen years.

§ 87<sup>119</sup>

*Purposeful serious bodily harm*

1) Any person who purposefully inflicts serious bodily harm (§ 84 paragraph 1) on another person shall be punished with imprisonment of one to ten years.

2) If the act results in serious lasting consequences (§ 85), then the perpetrator shall be punished with imprisonment of one to fifteen years; if the act results in the death of the harmed party, then the perpetrator shall be punished with imprisonment of five to fifteen years.

§ 88

*Bodily harm caused by negligence*

1) Any person who negligently causes harm to the body of another person or damage to such other person's health shall be punished with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates.

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118 § 86 amended by LGBl. 2019 no. 124.

119 § 87 amended by LGBl. 2019 no. 124.

2) If the perpetrator did not act grossly negligently (§ 6 paragraph 3) and if<sup>120</sup>

1. the harmed party is related to the perpetrator by blood or marriage in the ascending or descending line, is the spouse, registered partner or sibling of the perpetrator or is to be treated as a relative of the perpetrator in accordance with § 72 paragraph 2,
2. the act did not result in any damage to health or inability to work of another person for more than fourteen days,
3. the perpetrator is a member of a regulated health profession and if the bodily harm was inflicted in exercise of their profession,

then the perpetrator shall not be punished in accordance with paragraph 1.

3) Any person who, grossly negligently (§ 6 paragraph 3) or in the case set out in § 81 paragraph 2, causes harm to the body of another person or damage to the health of such other person, shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.<sup>121</sup>

4) If the act mentioned in paragraph 1 results in serious bodily harm (§ 84 paragraph 1), the perpetrator shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates. If the act mentioned in paragraph 3 results in serious bodily harm (§ 84 paragraph 1), the perpetrator shall be punished with imprisonment of up to two years, but if the act results in serious bodily harm (§ 84 paragraph 1) of a larger number of persons, such perpetrator shall be punished with imprisonment of up to three years.<sup>122</sup>

#### § 89<sup>123</sup>

##### *Danger to physical safety*

Any person who, grossly negligently (§ 6 paragraph 3) or negligently in the circumstances set out in § 81 paragraph 2, causes

120 § 88 paragraph 2 amended by 2019 no. 124.

121 § 88 paragraph 3 amended by LGBL 2019 no. 124.

122 § 89 paragraph 4 amended by LGBL 2019 no. 124.

123 § 89 amended by LGBL 2019 no. 124.

a danger for the life, health or physical safety of another person, shall be punished with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates.

§ 90

*Consent of the harmed party*

1) Bodily harm or danger to physical safety shall not be unlawful, if the harmed party or the person in danger consents to it and the harm or danger as such does not violate common decency.

2) Any sterilization of a person performed by a physician with such person's consent shall not be unlawful if either the person has already reached the age of twenty-five or if, for any other reason, the intervention does not violate common decency.

3) No consent may be given to any mutilation of or any other injury to genitalia that is capable of resulting in a permanent impairment of sexual sensations.<sup>124</sup>

§ 91

*Brawl*

1) Any person who actively participates in a brawl or an attack involving several people shall be punished, for such mere participation, with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates, if the brawl or the attack involving several people results in serious bodily harm (§ 84 paragraph 1) of another person; if, however, it results in the death of another person, the punishment shall be imprisonment of up to two years.<sup>125</sup>

2) The perpetrator who cannot be blamed for his participation shall not be punished.

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<sup>124</sup> § 90 paragraph 3 inserted by LGBl. 2011 no. 184.

<sup>125</sup> § 91 paragraph 1 amended by LGBl. 2019 no. 124.



## § 92

*Inflicting agony on or neglecting an under-age person, adolescent or defenceless person*

1) Any person who inflicts physical or psychological agony on another person who is subject to his care or custody and who has not yet reached the age of eighteen or is defenceless due to frailty, illness or mental disability shall be punished with imprisonment of up to two years.<sup>126</sup>

2) Any person shall be punished likewise who grossly neglects his obligation of care or custody with respect to such other person and thereby, even if only negligently, causes considerable damage to such other person's health or physical or mental development.

3) If the act results in serious bodily harm (§ 84 paragraph 1), then the perpetrator shall be punished with imprisonment of up to three years; if the act results in bodily harm with serious lasting consequences (§ 85), the punishment shall be imprisonment of up to five years; if the act results in the death of the harmed party, the punishment shall be imprisonment of one to ten years.

## § 93

*Overexertion of an under-age person, adolescent or person requiring gentle treatment*

1) Any person who, out of malice or ruthlessness, overexerts another person who is dependent on him or subject to his care or custody and who has not yet reached the age of eighteen or, in light of such other person's state of health, evidently requires gentle treatment, and that overexertion brings about the danger of death or considerable bodily harm or damage to the health of the overexerted person, even if only negligently, shall be punished with imprisonment of up to two years.

2) If the act has any of the consequences referred to in § 92 paragraph 3, the penalties provided for therein shall be imposed.

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<sup>126</sup> § 92 paragraph 1 amended by LGBL 2011 no. 184.

## § 94

*Abandoning a harmed party*

1) Any person who omits to provide the necessary assistance to another person whose bodily harm (§ 83) he caused, even if not unlawfully, shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>127</sup>

2) If the abandoning results in serious bodily harm (§ 84 paragraph 1) of the harmed party, the perpetrator shall be punished with imprisonment of up to two years, if it results in the death of the harmed party, such perpetrator shall be punished with imprisonment of up to three years.

3) The perpetrator shall be exculpated, if he cannot be expected to provide the assistance. In particular, he cannot be expected to provide the assistance, if such assistance would necessarily entail any risk of death or of considerable bodily harm or damage to health or the violation of other predominant interests.

4) The perpetrator shall not be punished in accordance with paragraphs 1 and 2, if the harm he caused already carries the same or a more severe penalty.

## § 95

*Omission to provide assistance*

1) Any person who, in case of an accident or in case of endangerment of public safety (§ 176), omits to provide the assistance obviously necessary to rescue another person from a risk of death or considerable physical harm or damage to health shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates; however, if the omission to provide assistance results in the death of another person, the perpetrator shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates, unless such perpetrator cannot reasonably be expected to provide the assistance.<sup>128</sup>

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<sup>127</sup> § 94 paragraph 1 amended by LGBL 2019 no. 124.

<sup>128</sup> § 95 paragraph 1 amended by LGBL 2019 no. 124.

2) The provision of assistance can in particular not be expected, if it would necessarily entail any danger to life or limb or the violation of other significant interests.

## Section 2

### Termination of pregnancy

#### § 96

##### *Termination of pregnancy*

1) Any person who, with the consent of the pregnant woman, terminates the pregnancy of the woman shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates; if such person commits the act on a commercial basis, such person shall be punished with imprisonment of up to three years.<sup>129</sup>

2) If the immediate perpetrator is not a physician, then such perpetrator shall be punished with imprisonment of up to three years; if he commits the act on a commercial basis or if the act results in the death of the pregnant woman, he shall be punished with imprisonment of six months to five years.

3) A woman who terminates her pregnancy herself or allows another person, who is not a physician, to terminate her pregnancy shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>130</sup>

4) The act shall not be punishable pursuant to paragraphs 1 and 3 if the termination of pregnancy

1. is necessary to avert serious danger to the life or serious damage to the health of the pregnant woman that cannot be averted otherwise, or the pregnant woman was under-age at the time of conception or if in respect of the pregnant woman a rape (§ 200), sexual assault (§ 201) or sexual abuse of a defenceless or mentally impaired person (§ 204) was committed and the pregnancy is the result of such an act, and

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<sup>129</sup> § 95 paragraph 1 amended by LGBL 2019 no. 124.

<sup>130</sup> § 96 paragraph 3 amended by LGBL 2019 no. 124.

- if, additionally, in all these cases, the pregnancy is terminated by a physician, or<sup>131</sup>
2. is undertaken to save the pregnant woman from an immediate danger to life that cannot be averted otherwise, under circumstances not permitting medical assistance to be obtained in time.

## § 97

*Termination of pregnancy without the consent of the pregnant woman*

1) Any person who, without the consent of the pregnant woman, terminates her pregnancy, shall be punished with imprisonment of up to three years; if the act results in the death of the pregnant woman, the punishment shall be imprisonment of six months to five years.

2) The perpetrator shall not be punished in accordance with paragraph 1 if the termination of pregnancy is undertaken to save the pregnant woman from an immediate danger to life that cannot be averted otherwise, under circumstances not permitting the consent of the pregnant woman to be obtained in time.

## § 98

*Grossly negligent intervention in respect of a pregnant woman*

Any person who, without having carefully satisfied himself that any of the dangers set out in § 96 paragraph 4 and § 97 paragraph 2 really apply, mistakenly assumes the existence of such a danger and, in the light of such assumption, terminates the pregnancy or causes the pregnant woman to tolerate the termination of pregnancy or otherwise contributes to the commission of a termination of pregnancy, shall, if he is a physician, be punished with imprisonment of up to one year, however, if he is not a physician, with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

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<sup>131</sup> § 96 paragraph 4 sub-paragraph 1 amended by LGBl. 2015 no. 111.

## § 98a

*Offer to perform a termination of pregnancy and announcement of means for this purpose*

Any person who publicly and with the purpose of promoting the termination of pregnancies offers his own services or the services of another person or announces, advertises, exhibits or otherwise makes accessible any means, objects or modes of procedure shall be punished with imprisonment of up to one year or with a monetary penalty of up to 360 daily rates.

## Section 3

**Offences against liberty**

## § 99

*Deprivation of liberty*

1) Any person who unlawfully imprisons another person or deprives such other person of his personal liberty in any other manner shall be punished with imprisonment of up to three years.

2) Any person who maintains the deprivation of liberty for longer than one month or commits the act in a manner that causes the detained person exceptional agony or under circumstances that entail particularly severe disadvantages to the detained person shall be punished with imprisonment of one to ten years.

§ 100<sup>132</sup>*Kidnapping of an abulic or defenceless person*

Any person who kidnaps another person that is mentally ill or in a condition that makes such other person incapable of resistance in order to sexually abuse such other person or involve such other person in sexual acts shall be punished with imprisonment of six months to five years.

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<sup>132</sup> § 100 amended by LGBL 2001 no. 16.

§ 101<sup>133</sup>*Kidnapping of an under-age person*

Any person who kidnaps an under-age person in order to sexually abuse such under-age person or involve such under-age person in sexual acts shall be punished with imprisonment of six months to five years.

## § 102

*Extortionate kidnapping*

1) Any person who kidnaps or otherwise gains physical control of another person, without such other person's consent and by force or by obtaining consent through a dangerous threat or deceit, in order to coerce a third party into an act, acquiescence, or omission, shall be punished with imprisonment of ten to twenty years.

2) Any person shall be punished likewise who

1. with the purpose set out in paragraph 1 kidnaps or otherwise gains physical control of an under-age or mentally ill person or a person who, due to the person's condition, is incapable of resistance, or
2. coerces a third party into an act, acquiescence, or omission by taking advantage of a kidnapping or other manner of gaining physical control of another person that was undertaken without the purpose of coercion.

3) If the act results in the death of the person who was kidnapped or who was otherwise subject to physical control by the perpetrator, then the perpetrator shall be punished with imprisonment of ten to twenty years or for life.

4) If the perpetrator voluntarily renounces the desired performance and allows the person who was kidnapped or who was otherwise subject to physical control by the perpetrator to return to the person's usual surroundings without serious damage, then the perpetrator shall be punished with imprisonment of six months to five years.

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133 § 101 amended by LGBL 2001 no. 16.

## § 103

*Delivery to a foreign power*

1) Any person who delivers another person to a foreign power without such other person's consent and by force or by obtaining consent through a dangerous threat or deceit, and any person who delivers an under-age or mentally ill person or a person who, due to the person's condition, is incapable of resistance to a foreign power, shall, if the perpetrator or the delivered person is a Liechtenstein citizen or the delivered person was in Liechtenstein at the time of the act, be punished with imprisonment of ten to twenty years.

2) If the victim is not exposed to any considerable danger by the act, then the perpetrator shall be punished with imprisonment of five to ten years.

## § 104

*Slave trade*

1) Any person engaging in the slave trade shall be punished with imprisonment of ten to twenty years.

2) Any person shall be punished likewise who effects that another person is enslaved or brought into a situation similar to slavery or effects that another person enters into slavery or a situation similar to slavery.

§ 104a<sup>134</sup>*Trafficking in humans*

1) Any person who recruits, accommodates or otherwise takes in, transports, or offers or passes on to another person, an adult person, by dishonest means (paragraph 2) used against such adult person, with the intent that such adult person be exploited (paragraph 3) shall be punished with imprisonment of six months to five years.

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<sup>134</sup> § 104a inserted by LGBl. 2007 no. 186.

2) Dishonest means shall include the use of force or a dangerous threat, deception regarding facts, taking advantage of a position of authority, plight, mental illness, or a condition that makes the person defenceless, intimidation, and the granting or acceptance of a benefit for handing over control of the person.

3) Exploitation shall include sexual exploitation, exploitation by organ removal, exploitation of labour, exploitation for begging as well as the exploitation for the commission of punishable acts.

4) Any person who commits the act as part of a criminal group, with use of severe force or in such a manner that the life of the other person is intentionally or grossly negligently (§ 6 paragraph 3) endangered by the act or that the act results in a particularly severe disadvantage for the other person, shall be punished with imprisonment of one to ten years.

5) Any person who recruits, accommodates or otherwise takes in, transports, or offers or passes on to another person, a minor person, with the intent that such minor person be exploited (paragraph 3), shall also be punished, with imprisonment of one to ten years.

#### § 105

##### *Coercion*

1) Any person who coerces another person to carry out, acquiesce in or omit to carry out an act by force or a dangerous threat shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>135</sup>

2) The act shall not be unlawful if the use of force or threat, as a means for the intended purpose, does not contradict common decency.

#### § 106

##### *Aggravated coercion*<sup>136</sup>

1) Any person who commits coercion by<sup>137</sup>

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135 § 105 paragraph 1 amended by LGBl. 2019 no. 124.

136 § 106 subject heading amended by LGBl. 2011 no. 184.

137 § 106 paragraph 1 introductory sentence amended by LGBl. 2011 no. 184.



1. threatening death, substantial mutilation or conspicuous disfigurement, kidnapping, arson, endangerment through nuclear energy, ionizing radiation, or explosives, or destruction of livelihood or social status,<sup>138</sup>
2. inflicting a state of agony on the coerced person or another person against whom the force or dangerous threat is directed, by these means and for an extended period of time, or<sup>139</sup>
3. inducing the coerced person into prostitution, or participation in a pornographic performance (§ 215a paragraph 3), termination of pregnancy (§ 96) or otherwise into an act, acquiescence, or omission that violates particularly important interests of the coerced person or a third party<sup>140</sup>

shall be punished with imprisonment of six months to five years.<sup>141</sup>

2) The perpetrator shall be punished with imprisonment of one to ten years if the act results in the suicide or attempted suicide of the coerced person or of another person against whom the force or dangerous threat is directed.<sup>142</sup>

3) Any person shall be punished likewise who commits an act of coercion into prostitution or into a participation into a pornographic performance against an under-age person, as part of a criminal group, with use of severe force or in such a manner that the act intentionally or grossly negligently (§ 6 paragraph 3) jeopardises the life of the person or in such a manner that the act represents a particularly severe detriment to the person.<sup>143</sup>

#### § 106a<sup>144</sup>

##### *Forced marriage*

1) Any person who, by force or the threat of force or by the threat of termination or deprivation of the family contacts, coerces

138 § 106 paragraph 1 sub-paragraph 1 amended by LGBL 2011 no. 184.

139 § 106 paragraph 1 sub-paragraph 2 amended by LGBL 2011 no. 184.

140 § 106 paragraph 1 sub-paragraph 3 amended by LGBL 2019 no. 124.

141 § 106 paragraph 1 final sentence amended by LGBL 2011 no. 184.

142 § 106 paragraph 2 amended by LGBL 2019 no. 124.

143 § 106 paragraph 3 inserted by LGBL 2019 no. 124.

144 § 106a inserted by LGBL 2019 no. 124.

another person into entering a marriage or a registered partnership shall be punished with imprisonment of six months to five years.

2) Any person shall be punished likewise who, with the intent to force another person to enter into a marriage or a registered partnership (paragraph 1) in a state other than the person's state of citizenship or habitual abode, induces such other person through deception regarding this plan, or coerces such other person by force or a dangerous threat or by the threat of termination or deprivation of the family contacts, to go to another state, or, by force or by taking advantage of such other person's mistake in regard to this plan, transports such other person to another state.

3) § 106 paragraph 2 shall apply *mutatis mutandis*.

#### § 107

##### *Dangerous threat*

1) Any person who threatens another person in a dangerous manner in order to scare and agitate such other person shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>145</sup>

2) Any person who makes a dangerous threat by threatening death, substantial mutilation or conspicuous disfigurement, kidnapping, arson, endangerment through nuclear energy, ionizing radiation, or explosives, or destruction of livelihood or social status or who, by these means and for an extended period of time, inflicts a state of agony on the coerced person or another person against whom the force or dangerous threat is directed shall be punished with imprisonment of up to three years.<sup>146</sup>

3) In the cases referred to in § 106 paragraph 2, the penalty set out therein shall be imposed.

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<sup>145</sup> § 107 paragraph 1 amended by LGBL 2019 no. 124.

<sup>146</sup> § 107 paragraph 2 amended by LGBL 2011 no. 184.

4) Repealed.<sup>147</sup>

§ 107a

*Persistent stalking*<sup>148</sup>

1) Any person who unlawfully and persistently stalks another person (paragraph 2) shall be punished with imprisonment of up to two years.<sup>149</sup>

2) A person persistently stalks another person if such person, in a manner capable of causing unreasonable interference with the lifestyle of such other person, for an extended period of time continuously

1. establishes physical proximity with such other person,
2. establishes contact with such other person by means of electronic communication or by use of other means of communication or through third parties,
3. orders merchandise or services for such other person and, for this purpose, uses such other person's personal data, or
4. causes third parties to contact the other person and, for this purpose, uses such other person's personal data.<sup>150</sup>

3) If the act results in the suicide or an attempted suicide of the person stalked pursuant to paragraph 2, the perpetrator shall be punished with imprisonment of up to three years.<sup>151</sup>

§ 107b<sup>152</sup>

*Continuous use of force*

1) Any person who continuously and over a longer period of time uses force against another person shall be punished with imprisonment of up to three years.

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147 § 107 paragraph 4 repealed by LGBL 2011 no. 184.

148 § 107a subject heading inserted by LGBL 2007 no. 224.

149 § 107a paragraph 1 amended by LGBL 2019 no. 124.

150 § 107a paragraph 2 inserted by LGBL 2007 no. 224.

151 § 107a paragraph 3 amended by LGBL 2019 no. 124.

152 § 107b inserted by LGBL 2019 no. 124.

2) A person uses force within the meaning of paragraph 1, if such person causes bodily abuse to another person or commits intentional punishable acts against life and limb or against liberty with the exception of the punishable acts mentioned in §§ 107a, 108 and 110.

3) Any person shall be punished with imprisonment of six months to five years who

1. commits the act against an under-age person or a person who is defenceless due to frailty, illness, or mental disability, or
2. through the act establishes comprehensive control in respect of the conduct of the injured person or considerable restrictions with regard to the autonomous lifestyle of the injured person.

4) Any person who commits an act referred to in paragraph 3 in a manner inflicting agony, or as part of a continuous use of force pursuant to paragraph 3 commits repeated offences against sexual self-determination and other sexual offences shall be punished with imprisonment of one to ten years. If an act referred to in paragraph 3 results in bodily harm with serious lasting consequences (§ 85) or if the force mentioned in paragraph 3 is used for more than one year, the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of the injured person, such perpetrator shall be punished with imprisonment of ten to twenty years.

5) The perpetrator shall not be punished in accordance with the preceding provisions, if the act carries a more severe penalty under a different provision.

#### § 107c<sup>153</sup>

##### *Continuous harassment by way of electronic communication or a computer system*

1) Any person who, by way of electronic communication or by using a computer system, in a manner capable of causing unreasonable interference with the lifestyle of the other person, continuously and over a longer period of time,

1. damages the honour of the other person in a manner perceivable for a larger number of persons, or

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153 § 107c inserted by LGBL 2019 no. 124.

2. makes facts or video recordings of the highly personal area of life without such other person's consent perceivable for a larger number of persons,

shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

- 2) If the act results in the suicide or an attempted suicide of the person injured pursuant to paragraph 1, the perpetrator shall be punished with imprisonment of up to three years.

#### § 108

##### *Deception*

- 1) Any person who purposefully causes injury to the rights of another person by deceiving such other person or a third party about facts in order to induce such other person or the third party to do, acquiesce in or omit to do an act, thus causing the injury, shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>154</sup>

- 2) The perpetrator shall only be prosecuted with the authorization of the person whose rights have been injured, unless the act has been committed by means of deception of an official in relation to official duties.

#### § 109

##### *Unlawful entry*

- 1) Any person who enters into a house, a dwelling, enclosed property designated for public service or serving the exercise of a profession or trade, or into an enclosed space directly belonging to a house, or who remains therein and does not leave when requested by an authorized person to do so immediately, shall be punished with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates.

- 2) Any person who forces entry into a space set out in paragraph 1 by force or the threat of force or resists the request of an authorized person to leave immediately by force or the threat

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<sup>154</sup> § 108 paragraph 1 amended by LGBl. 2019 no. 124.

of force shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>155</sup>

3) If, in the process, the perpetrator who enters into a space set out in paragraph 1 by force or the threat of force either

1. intends to use force against a person or object located therein, or
2. himself or, with his knowledge, another participant (§ 12) carries a weapon or other instrument in order to overcome or prevent the resistance of another person, or
3. forces entry by several persons,

shall be punished with imprisonment of up to three years.

4) If the perpetrator or, with his knowledge, another participant (§ 12) carries a weapon or another instrument in order to force the continued unauthorized remaining in a space set out in paragraph 1 despite having been requested by an authorized person to leave immediately, or if the intention is to force the continued unauthorized remaining of several persons by force or the threat of force, any person participating in the acts of resistance shall, for the mere participation therein, be punished with imprisonment of up to one year; however, any person who himself provides resistance by force or the threat of force shall be punished with imprisonment of up to three years.

5) Any person who cannot be blamed for his participation (paragraph 4) shall not be punished.

6) The perpetrator shall be punished for unlawful entry only if the act does not carry a penalty more severe pursuant to another provision.

7) In the cases set out in paragraphs 1 and 2, the perpetrator shall only be prosecuted with the authorization of the person whose rights have been injured.

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155 § 109 paragraph 2 amended by LGBl. 2019 no. 124.

## § 110

*Medical treatment without consent*

1) Any person who provides treatment to another person without the latter's consent, even if such treatment is in line with the standards of medical science, shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) If the perpetrator did not obtain the consent of the person under treatment, assuming that any delay of the medical treatment would seriously endanger the life or health of the person under treatment, then any such perpetrator shall only be punished in accordance with paragraph 1 if the assumed danger did not exist and if he could have been aware thereof in case he had exercised the required care (§ 6).

3) The perpetrator shall only be prosecuted upon demand of the person under medical treatment without consent.

## Section 4

**Offences against honour**

## § 111

*Defamation*

1) Any person who accuses another person of a despicable trait or attitude, of dishonourable conduct, or of any conduct in violation of common decency and does so in a manner that such accusation is perceivable by a third party and in a manner capable of defaming or degrading such other person in the public opinion shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person who commits the act in a printed work, in a broadcasting service, or in any other manner that causes the defamation to become accessible to the general public, shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>156</sup>

3) The perpetrator shall not be punished if the assertion is proven to be true. In the case set out in paragraph 1, the perpetrator shall not be punished either if evidence is provided of circumstances that gave the perpetrator sufficient ground to believe that the allegation was true.

4) Any evidence of truthfulness and any evidence of good faith shall be taken only if the perpetrator relies on the truthfulness of the assertion or on his good faith. No evidence of truthfulness and no evidence of good faith shall be allowed in relation to facts concerning private and family life or in relation to offences that can only be prosecuted upon demand of a third party. Likewise, no evidence of truthfulness and no evidence of good faith shall be allowed in relation to facts and assertions mainly put forward or disseminated with the purpose of accusing another person of disreputable things.

## § 112

### *False accusation*

1) Any person who accuses another person of a despicable trait or attitude, of dishonourable conduct, or of any conduct in violation of common decency and does so in a manner that the accusation is perceivable by a third party and in a manner capable of defaming or degrading such other person in the public opinion shall, if he knows (§ 5 paragraph 3) that the suspicion is untrue, be punished with imprisonment of up to two years or with a monetary penalty of up to 360 daily rates.

2) Any person who commits the act in a printed work, on the radio, on television, or in any other manner that causes the false accusation to become accessible to the general public, shall be punished with imprisonment of up to three years or with a monetary penalty of up to 360 daily rates.

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<sup>156</sup> § 111 paragraph 2 amended by LGBl. 2019 no. 124.



## § 113

*Accusation of a judicially punishable act that has already been served or remitted*

Any person who accuses another person of an offence for which the sentence has already been enforced, or for which the sentence has been conditionally suspended or remitted, or for which no sentencing has been pronounced, and does so in a manner that the accusation is perceivable by a third party shall be punished with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates.

## § 114

*No criminal liability for exercise of a right or coercion as a result of special circumstances*

1) If any of the acts set out in § 111, § 112 or § 113 fulfil a legal duty or exercise a right, the act shall be justified.

2) Any person who has been coerced by special circumstances to put forward an allegation as defined by § 111, § 112 or § 113 in such a form and in such a manner as it is put forward, shall not be punished, unless the allegation is untrue and the perpetrator could have been aware thereof in case he had exercised the required care (§ 6).

## § 115

*Insult*

1) Any person who insults or mocks another person, causes physical abuse to another person or threatens another person with physical abuse and does so in a manner perceivable to a third party, shall be punished with imprisonment of up to one month or with a monetary penalty of up to 60 daily rates, unless this act carries a more severe penalty under another provision.

2) Any person who commits the act set out in paragraph 1 in public or in front of several people shall be punished with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates, unless this act carries a more severe penalty under another provision.

3) An act is committed in front of several people, if it is committed in front of more than two persons different from the perpetrator and the person attacked and if these are able to perceive the act.

4) Any person who is carried away only by outrage over the conduct of another person and as a consequence insults or physically attacks or threatens to physically attack another person in a manner exculpable in the circumstances shall be exculpated, if his outrage is generally understandable, in particular also with regard to the time that has passed since the event that triggered it.

#### § 116

##### *Public insult of Parliament, the Government or other public authority*

Acts under § 111, § 112 or § 115 shall also be punishable if they are directed and committed publicly against Parliament, the Government or other public authority. The provisions set out in § 111 paragraphs 3 and 4 and § 114 shall also apply to such offences.

#### § 117

##### *Authorization to prosecute*

1) Any offences against honour shall be prosecuted only upon demand of the person whose honour has been violated. However, they shall be prosecuted ex officio if they are directed against the Reigning Prince, Parliament, the Government or another public authority. For prosecution purposes, the authorization of the insulted person, the insulted Parliament or the insulted public authority shall be obtained.

2) If an offence against honour is committed against an official or against a pastor of a church or religious group in Liechtenstein in exercise of his office or service, the public prosecutor shall prosecute the perpetrator with the authorization of the victim and the latter's supervisor within the time period otherwise available to the victim to request prosecution. The same shall apply if any such act is committed against any of the persons mentioned in relation to their professional conduct in a printed work, on the radio, on television, or in any other manner that it becomes accessible to the general public. The victim shall be authorized at

any time to join the prosecution. If the public prosecutor does not prosecute such an offence or if he withdraws from the prosecution, the victim himself shall be authorised to bring charges. In such a case, the time period for bringing charges shall begin as soon as the victim has been informed by the public prosecutor of the non-prosecution or non-continuation of prosecution.

3) If any act punishable under § 111, § 112, § 113 and § 115 is directed against the honour of a dead person or a missing person, then his spouse, registered partner, relatives in direct line and his siblings shall be authorized to request prosecution.<sup>157</sup>

## Section 5

### Violations of privacy and of certain professional secrets

#### § 118

#### *Violation of the privacy of the written word and suppression of letters*

1) Any person who opens a sealed letter or any other such piece of writing not intended for his attention shall be punished with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates.

2) Any person shall be punished likewise who, in order to obtain knowledge of the content of a document not intended for his attention for himself or for any other unauthorized person

1. opens a locked container with such document inside, or
2. uses technical means in order to achieve his purpose without opening the seal of the piece of writing or the lock of the container (sub-paragraph 1).

3) Any person shall be punished likewise who misappropriates or otherwise suppresses a letter or any other piece of writing (paragraph 1) prior to the recipient obtaining knowledge of it.

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<sup>157</sup> § 117 paragraph 3 amended by LGBL 2011 no. 379.

4) The perpetrator shall only be prosecuted upon demand of the aggrieved party. However, if the act is committed by an official in exercise of his office or by taking advantage of an opportunity afforded by his official position, the public prosecutor must prosecute the perpetrator with the authorization of the aggrieved party.

§ 118a<sup>158</sup>

*Illegal access to a computer system*

1) Any person who gains access to a computer system that such person may not use or may not use alone, or gains access to part of such a computer system, by overcoming specific security precautions in the computer system,

1. with the purpose of obtaining knowledge, for himself or for another unauthorized person, of personal data the knowledge of which violates confidentiality interests of the person concerned which are worthy of protection, or
2. with the purpose of inflicting a disadvantage upon another person by using data stored on the system and not intended for him of which he obtains knowledge, or by using the computer system,

shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person who commits the act with regard to a computer system which is an essential part of the critical infrastructure (§ 74 paragraph 1 sub-paragraph 10) shall be punished with imprisonment of up to two years.

3) The perpetrator shall only be prosecuted with the authorization of the aggrieved party.

4) Any person who commits the act referred to in paragraph 1 as part of a criminal group shall be punished with imprisonment of up to two years and any person who commits the act referred to in paragraph 2 as part of a criminal group shall be punished with imprisonment of up to three years.

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<sup>158</sup> § 118a inserted by LGBL 2009 no. 228.

§ 119<sup>159</sup>*Violation of the secrecy of communication*

1) Any person who connects a device to a communication or data processing system or otherwise prepares such device to receive communication, for the purpose of acquiring knowledge for himself or for another unauthorized person of a message transmitted by way of an electronic communications network and not intended for such person shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person shall be punished likewise who uses a device connected to a communication or data processing system or otherwise prepared to receive communication for the purpose set out in paragraph 1.

3) The perpetrator shall only be prosecuted with the authorization of the aggrieved party.

§ 119a<sup>160</sup>*Improper interception of data*

1) Any person who, with the purpose of obtaining knowledge, for himself or for another unauthorized person, of data that has been transmitted by a computer system and that is not intended for such person, and any person who, with the purpose of procuring a pecuniary benefit for himself or another person or of inflicting a disadvantage upon another person by using the data himself, making the data accessible to another person for whom the data is not intended or by publishing the data, uses a device that is connected to the computer system or that has otherwise been prepared to receive communication, or collects the electromagnetic radiation of a computer system shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates, unless the act carries a penalty pursuant to § 119.

2) The perpetrator shall only be prosecuted with the authorization of the aggrieved party.

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<sup>159</sup> § 119 amended by LGBl. 2006 no. 94.

<sup>160</sup> § 119a inserted by LGBl. 2009 no. 228.

## § 120

*Improper use of audio recording or interception devices*

1) Any person who uses an audio recording or interception device in order to obtain knowledge for himself or for another unauthorized person of a non-public statement made by some other person and not intended for such person's attention shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>161</sup>

2) Any person shall be punished likewise who, without the consent of the speaker, makes the recording of a non-public statement by another person accessible to a third party for whom it is not intended, or who publishes any such recording.

2a) Any person who, for the purpose of acquiring knowledge for himself or for another unauthorized person, records, makes accessible to another unauthorized person or publishes a message transmitted by way of an electronic communications network and not intended for such person, shall be punished with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates, unless the offence is punishable with a more severe penalty under any of the preceding provisions or under another provision.<sup>162</sup>

3) The perpetrator shall only be prosecuted upon demand of the aggrieved party.

## § 121

*Violation of professional secrets*

1) Any [first] person who discloses or exploits a secret that was entrusted or made accessible to such [first] person

1. as a physician or in exercise of another healthcare profession (art. 6 of the Health Care Act),<sup>163</sup>
2. as an attorney-at-law, legal agent, trustee, chartered accountant or patent lawyer,<sup>164</sup>

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<sup>161</sup> § 120 paragraph 1 amended by LGBL 2019 no. 124.

<sup>162</sup> § 120 paragraph 2a inserted by LGBL 2006 no. 94.

<sup>163</sup> § 121 paragraph 1 sub-paragraph 1 amended by LGBL 2008 no. 34.

<sup>164</sup> § 121 paragraph 1 sub-paragraph 2 amended by LGBL 1993 no. 44.

3. as a youth, marriage and family counsellor or as a person working in social welfare,
4. as a person exercising professional duties relating to the administration of a hospital or duties of health insurance, accident insurance, life insurance or social security,

and the disclosure or exploitation of which is capable of violating a legitimate interest of the person who has used the services of such [first] person or for whom these services have been used shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person who commits the act in order to procure a pecuniary benefit for himself or for another person, or in order to inflict a disadvantage upon another person, shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>165</sup>

3) Any expert appointed by a court or by another authority for particular proceedings shall be punished likewise who discloses or uses a secret that was entrusted to or became accessible to him exclusively as a result of his activities as an expert and the disclosure or exploitation of which is capable of violating a legitimate interest of the person who has used his services or for whom these services have been used.

4) Assistants, even if they do not engage in any professional activities, and persons participating in the activity for training purposes, shall be treated in the same manner as the persons exercising any of the activities set out in paragraphs 1 and 3.

5) The perpetrator shall not be punished if the disclosure or exploitation is justified by public or legitimate private interests due to its content and form.

6) The perpetrator may only be prosecuted upon demand of the person whose confidentiality interest has been violated (paragraphs 1 and 3).

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<sup>165</sup> § 121 paragraph 2 amended by LGBl. 2019 no. 124.

## § 122

*Violation of a business or trade secret*

1) Any person who discloses or exploits a business or trade secret (paragraph 3) that was entrusted or became accessible to such person in the course of such person's activities as part of the carrying out of supervision, a review or a survey prescribed by law or official order shall be punished with imprisonment of up to one year or with a monetary penalty of up to 360 daily rates.

2) Any person who commits the act in order to procure a pecuniary benefit for himself or for another person, or in order to inflict a disadvantage upon another person, shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>166</sup>

3) Paragraph 1 shall only cover those business or trade secrets which the perpetrator is required by law to protect and the disclosure or exploitation of which is capable of violating legitimate interests of the person affected by supervision, review or survey.

4) The perpetrator shall not be punished if the disclosure or exploitation is justified by public or legitimate private interests due to its content and form.

5) The perpetrator may only be prosecuted upon demand of the person whose confidentiality interest has been violated (paragraph 3).

§ 122a<sup>167</sup>

Repealed

## § 123

*Spying out a business or trade secret*

1) Any person who spies out a business or trade secret with the intent to exploit it, pass it on to another for exploitation or to

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<sup>166</sup> § 122 paragraph 2 amended by LGBl. 2019 no. 124.

<sup>167</sup> § 122a repealed by LGBl. 2007 no. 19.



disclose it to the public shall be punished with imprisonment of up to two years.<sup>168</sup>

2) The perpetrator shall only be prosecuted upon demand of the aggrieved party.

§ 124<sup>169</sup>

*Spying out a business or trade secret for use abroad*

1) Any person who spies out a business or trade secret with the intent that a foreign country exploit, use or otherwise utilize it shall be punished with imprisonment of one up to three years.

2) Any person who discloses a business or trade secret, which such person is obliged to protect, for exploitation, use or other utilization abroad shall be punished likewise.

Section 6

**Offences against the property of another**

§ 125

*Damage to property*

1) Any person who destroys, damages, defaces or renders unusable any object belonging to another person shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

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<sup>168</sup> § 123 paragraph 1 amended by LGBl. 2019 no. 124.

<sup>169</sup> § 124 amended by LGBl. 2019 no. 124.

## § 126

*Serious damage to property*

1) Any person shall be punished with imprisonment of up to two years who commits damage to property<sup>170</sup>

1. against an object that is dedicated to religious ceremonies or worship by a church or religious group in Liechtenstein,
2. against a grave, another burial site, a tomb, or a memorial to the dead that is located in a cemetery or premises serving the practice of religion,
3. against a derelict element of nature, against an antiquity of significant scientific value or against a cultural property under protection as defined by the Cultural Property Act,<sup>171</sup>
4. against an object of generally recognized scientific, ethnological, artistic, or historic value that is located in a generally accessible collection or another such place or in a public building,
5. against an essential element of the critical infrastructure (§ 74 paragraph 1 sub-paragraph 10) or<sup>172</sup>
6. Repealed<sup>173</sup>
7. in a manner that the perpetrator causes damage to the object in an amount exceeding 7,500 francs.<sup>174</sup>

2) Any person who through the act causes damage to the object in an amount exceeding 300,000 francs shall be punished with imprisonment of six months to five years.<sup>175</sup>

## § 126a

*Damage to data*

1) Any person who causes damage to another by changing, deleting, or otherwise making unusable or suppressing data that is

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170 § 126 paragraph 1 introductory sentence amended by LGBL 2019 no. 124.

171 § 126 paragraph 1 sub-paragraph 3 amended by LGBL 2016 no. 274.

172 § 126 paragraph 1 sub-paragraph 5 amended by LGBL 2019 no. 124.

173 § 126 paragraph 1 sub-paragraph 6 repealed by LGBL 2019 no. 124.

174 § 126 paragraph 1 sub-paragraph 7 amended by LGBL 2019 no. 124.

175 § 126 paragraph 2 amended by LGBL 2019 no. 124.

processed, transmitted, or supplied with the help of automation and that is not at his disposal or not at his sole disposal shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.<sup>176</sup>

2) Any person who through the act causes damage to the data in an amount exceeding 7,500 francs shall be punished with imprisonment of up to two years.<sup>177</sup>

3) Any person who compromises a great number of computer systems by using a computer programme, a computer password, an access code or comparable data, which make it possible to access a computer system or a part thereof, provided that these instruments, because of their particular nature, have been evidently created or adapted for this purpose, shall be punished with imprisonment of up to three years.<sup>178</sup>

4) Any person shall be punished with imprisonment of six months to five years who<sup>179</sup>

1. through the act causes damage in an amount exceeding 300,000 francs,
2. compromises essential elements of the critical infrastructure (§ 74 paragraph 1 sub-paragraph 10), or
3. commits the act as a member of a criminal group.

#### § 126b<sup>180</sup>

##### *Interference with the functioning of a computer system*

1) Any person who seriously interferes with the functioning of a computer system that such person may not use or may not use alone by entering or transmitting data shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates, if the act does not carry a penalty pursuant to § 126a.

2) Any person who through the act brings about interference with the functioning of a computer system that persists for an

176 § 126a paragraph 1 amended by LGBL 2009 no. 228.

177 § 126a paragraph 2 amended by LGBL 2019 no. 124.

178 § 126a paragraph 3 inserted by LGBL 2019 no. 124.

179 § 126a paragraph 4 inserted by LGBL 2019 no. 124.

180 § 126b inserted by LGBL 2009 no. 228.

extended period of time shall be punished with imprisonment of up to two years.<sup>181</sup>

3) Any person who seriously interferes with a great number of computer systems by using a computer programme, a computer password, an access code or comparable data, which make it possible to access a computer system or a part thereof, provided that these instruments, because of their particular nature, have been evidently created or adapted for this purpose, shall be punished with imprisonment of up to three years.<sup>182</sup>

4) Any person shall be punished with imprisonment of six months to five years who<sup>183</sup>

1. through the act causes damage in an amount exceeding 300,000 francs,
2. commits the act against a computer system which is an essential element of the critical infrastructure (§ 74 paragraph 1 sub-paragraph 10), or
3. commits the act as a member of a criminal group.

#### § 126c<sup>184</sup>

##### *Improper use of computer programmes or access data*

1) Any person who develops, launches, distributes, alienates, otherwise makes accessible, procures or possesses

1. a computer programme which given its particular nature has been evidently developed or adapted to commit the act of obtaining illegal access to a computer system (§ 118a), to violate the secrecy of communication (§ 119), to commit the act of an improper interception of data (§ 119a), to cause damage to data (§ 126a), to cause interference with the functioning of a computer system (§ 126b), or to commit a fraudulent misuse of data processing (§ 148a), or any comparable device of this kind, or
2. a computer password, an access code, or comparable data that enables total or partial access to a computer system,

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181 § 126b paragraph 2 amended by LGBl. 2019 no. 124.

182 § 126b paragraph 3 inserted by LGBl. 2019 no. 124.

183 § 126b paragraph 4 inserted by LGBl. 2019 no. 124.

184 § 126c inserted by LGBl. 2009 no. 228.

and does so with the intent to use them to commit any of the offences set out in sub-paragraph 1 shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) No person shall be punished in accordance with paragraph 1 if such person voluntarily prevents that the computer programme or comparable device referred to in paragraph 1 or the password, access code, any data comparable thereto be used in any of the manners set out in § 118a, § 119, § 119a, § 126a, § 126b or § 148a. If there is no danger of any such use or if such danger has been eliminated without any contribution by the perpetrator, the perpetrator shall not be punished if, not having any knowledge thereof, he voluntarily and earnestly endeavours to eliminate such danger.

#### § 127

##### *Theft*

1) Any person who takes away any movable object belonging to another person with the intent to obtain unjust enrichment for himself or for a third party from the appropriation shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Repealed<sup>185</sup>

#### § 128

##### *Aggravated theft*

1) Any person shall be punished with imprisonment of up to three years who commits a theft

1. during a conflagration, a flood, or distress that is general or specific to the victim of the theft, or while taking advantage of a circumstance that makes the victim of the theft helpless,
2. in premises serving the practice of religion or of an object that is dedicated to religious ceremonies or worship by a church or religious group in Liechtenstein,

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185 § 127 paragraph 2 repealed by LGBL 2007 no. 186.

3. of an object of generally recognized scientific, ethnological, artistic, or historic value that is located in a generally accessible collection or another such place or in a public building,
4. of an essential element of the critical infrastructure (§ 74 paragraph 1 sub-paragraph 10) or<sup>186</sup>
5. of an object exceeding the value of 7,500 francs.<sup>187</sup>

2) Any person who commits the theft of an object the value of which exceeds the amount of 300,000 francs shall be punished with imprisonment of one to ten years.<sup>188</sup>

#### § 129

##### *Theft by breaking and entering or using weapons*

Any person shall be punished with imprisonment of six months to five years who commits a theft

1. by entering a building, a means of transport, a dwelling or any other enclosed space or a storage yard, by breaking in, boarding, or penetrating with a copied or illegally obtained key, any other tool not intended for proper opening or an illegally obtained access code,<sup>189</sup>
2. by breaking open a container or opening a container by any of the means referred to in item 1,
3. by breaking open a locking device or opening it by any of the means referred to in item 1, or<sup>190</sup>
4. by electronically deactivating an access barrier, or<sup>191</sup>
5. during which he or another participant (§ 12) with his knowledge carries a weapon or other means to overcome or prevent the resistance of another person.<sup>192</sup>

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186 § 128 paragraph 1 sub-paragraph 4 amended by LGBL 2019 no. 124.

187 § 128 paragraph 1 sub-paragraph 5 inserted by LGBL 2019 no. 124.

188 § 128 paragraph 2 amended by LGBL 2019 no. 124.

189 § 129 1 amended by LGBL 2019 no. 124.

190 § 129 item 3 amended by LGBL 2019 no. 124.

191 § 129 item 4 amended by LGBL 2019 no. 124.

192 § 129 item 5 inserted by LGBL 2019 no. 124.

§ 130<sup>193</sup>*Theft on a commercial basis and theft as part of a criminal group*

Any person who commits a theft on a commercial basis or as a member of a criminal group with the participation (§ 12) of another member of that group shall be punished with imprisonment of six months to five years. Any person who commits aggravated theft (§ 128) or theft by breaking and entering or using weapons (§ 129) with the purpose of obtaining regular income by repeatedly committing the act shall be punished with imprisonment of one to ten years.

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<sup>193</sup> § 130 amended by LGBL 2007 no. 186.

## § 131

*Theft involving use of force*

Any person who, when caught committing a theft in flagrante delicto, uses force against another person or threatens such other person with present danger to life or limb (§ 89) in order to retain the stolen object for himself or for a third party shall be punished with imprisonment of six months to five years, but if the use of force results in bodily harm with serious lasting consequences (§ 85) or in the death of another person, the punishment shall be imprisonment of five to fifteen years.

## § 131a

*Data theft*

Any person who procures data that is processed with the help of automation and that is not at his disposal or not at his sole disposal with the intent to obtain unjust enrichment for himself or for a third party shall be punished with imprisonment of up to three years or with a monetary penalty of up to 360 daily rates. Both penalties may also be imposed concurrently.<sup>194</sup>

## § 132

*Energy theft*

1) Any person who, with the intent to obtain unjust enrichment for himself or a third party, steals energy from a facility serving the extraction, conversion, delivery or storage of energy shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person who steals energy the value of which exceeds the amount of 7,500 francs shall be punished with imprisonment of up to three years, and any person who steals energy the value of which exceeds the amount of 300,000 francs shall be punished with imprisonment of one to ten years.<sup>195</sup>

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<sup>194</sup> § 131a amended by LGBL 2009 no. 228.

<sup>195</sup> § 132 paragraph 2 amended by LGBL 2019 no. 124.



§ 133<sup>196</sup>*Embezzlement*

1) Any person who, with the intent to unjustly enrich himself or a third party, appropriates for himself or for a third party any good that has been entrusted to him shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person who embezzles any good the value of which exceeds the amount of 7,500 francs shall be punished with imprisonment of up to three years, and any person who embezzles any good the value of which exceeds the amount of 300,000 francs shall be punished with imprisonment of one to ten years.<sup>197</sup>

## § 134

*Misappropriation*

1) Any person who, with the intent to unjustly enrich himself or a third party, appropriates for himself or for a third party a good belonging to another that he found or that ended up in his custody by mistake or otherwise without his intervention, shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.<sup>198</sup>

2) Any person shall be punished likewise who misappropriates a good belonging to another that he brought into his custody without the intent to appropriate it.

3) Any person who misappropriates a good belonging to another the value of which exceeds the amount of 7,500 francs shall be punished with imprisonment of up to two years, and any person who misappropriates a good belonging to another the value of which exceeds the amount of 300,000 francs shall be punished with imprisonment of six months to five years.<sup>199</sup>

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<sup>196</sup> § 133 amended by LGBL 2013 no. 73.

<sup>197</sup> § 133 paragraph 2 amended by LGBL 2019 no. 124.

<sup>198</sup> § 134 paragraph 1 amended by LGBL 2013 no. 73.

<sup>199</sup> § 134 paragraph 3 amended by LGBL 2019 no. 124.

§ 135<sup>200</sup>*Permanent deprivation of an object belonging to another*

1) Any person who causes damage to another person by depriving such other person of the custody of a movable object belonging to such other person without appropriating the object for himself or a third party shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person shall be punished with imprisonment of up to two years if the offence is committed against any of the objects set out in § 126 paragraph 1 sub-paragraphs 1 to 5 or objects of a value exceeding 7,500 francs; any person shall be punished with imprisonment of six months to five years if the offence is committed against an object exceeding a value of 300,000 francs.<sup>201</sup>

## § 136

*Unauthorized use of vehicles*

1) Any person who uses an engine-powered vehicle without the consent of the person authorized to use it shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.<sup>202</sup>

2) Any person who commits the act by obtaining control of the vehicle in any of the manners described in § 129 to § 131 shall be punished with imprisonment of up to two years.

3) The perpetrator shall be punished with imprisonment of up to two years if the damage caused by the offence to the vehicle, its cargo, or as a result of the consumption of operating resources exceeds 7,500 francs in total; however, if the damage exceeds 300,000 francs, the perpetrator shall be punished with imprisonment of up to three years.<sup>203</sup>

4) The perpetrator shall be punished only upon demand of the person whose rights have been injured, if the perpetrator's spouse, registered partner, a relative in direct line, his sibling, or any other

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<sup>200</sup> § 135 amended by LGBL 2013 no. 73.

<sup>201</sup> § 135 paragraph 2 amended by LGBL 2019 no. 124.

<sup>202</sup> § 136 paragraph 1 amended by LGBL 2013 no. 73.

<sup>203</sup> § 136 paragraph 3 amended by LGBL 2019 no. 124.

relative with whom the perpetrator shares a household is authorized to use the vehicle, or if the vehicle was entrusted to the perpetrator by his authorized employer. Temporary authorizations may not be considered for this purpose.<sup>204</sup>

§ 137<sup>205</sup>

*Interference with the hunting or fishing rights of another*

Any person who, in violation of any hunting and fishing rights of another person, hunts game, fishes, kills, injures or appropriates for himself or a third party any game or fish, or any person who destroys, damages, or appropriates for himself or a third party any object which is subject to the hunting or fishing rights of another person shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

§ 138<sup>206</sup>

*Serious interference with the hunting or fishing rights of another*

Any person shall be punished with imprisonment of up to three years who commits the act

1. against game, fish or other objects subject to the hunting or fishing right of another with a value of more than 7,500 francs,<sup>207</sup>
2. in close season or by use of iron, toxic bait, electric systems, explosives, in a manner that represents a threat to the game or fish populations, or by the use of snares against game,
3. in the presence of a participant (§ 12) and either by carrying a firearm or with the knowledge that the participant carries a firearm, or
4. on a commercial basis.

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<sup>204</sup> § 136 paragraph 4 amended by LGBL 2011 no. 379.

<sup>205</sup> § 137 amended by LGBL 2013 no. 73.

<sup>206</sup> § 138 amended by LGBL 2013 no. 73.

<sup>207</sup> § 138 item 1 amended by LGBL 2019 no. 124.

## § 139

*Requirement to prosecute*

If the perpetrator interferes with the hunting rights of another in a place where he is authorized to hunt to a limited extent or if the perpetrator violates the fishing rights of another in a place in which he is authorized to fish to a limited extent, he may be prosecuted for the acts carrying a penalty pursuant to § 137 and § 138 only with the authorization of the person who holds the hunting or fishing rights.

## § 140

*Use of force by a poacher*

Any person who, when caught committing an interference in the hunting or fishing rights of another in flagrante delicto, uses force against another person or threatens such other person with present danger to life or limb (§ 89) in order to retain the game or fish taken for himself or for a third party shall be punished with imprisonment of six months to five years, but if the use of force results in bodily harm with serious lasting consequences (§ 85) or in the death of another person, the punishment shall be imprisonment of five to fifteen years.

## § 141

*Depriving*

1) Any person who deprives another person of an object of low value or who appropriates such an object for himself or a third party out of necessity, due to rashness, or to satisfy a craving shall, if the offence would otherwise be punishable as theft, energy theft, embezzlement, misappropriation, permanent deprivation of an object belonging to another, or interference with the hunting or fishing rights of another and if the offence does not cover any of the cases set out in § 129, § 131, § 138 sub-paragraphs 2 and 3, and § 140, be punished with a monetary penalty of up to 60 daily rates.

2) The perpetrator shall only be prosecuted with the authorization of the aggrieved party.

3) Any person who commits the act to the detriment of such person's spouse, his registered partner, a relative in direct line, a

sibling, or to the detriment of another relative with whom such person shares a household shall not be punished unless the person whose rights have been injured so demands.<sup>208</sup>

§ 142

*Robbery*

1) Any person who by force against another person or by threat of present danger to life or limb (§ 89) removes or compels a moveable object belonging to another from such other person with the intent to unjustly enrich himself or a third party as a result of the appropriation thereof shall be punished with imprisonment of one to ten years.

2) Any person who commits a robbery without using substantial force with respect to an object of minor value, shall, if the act only entailed insignificant consequences and if the act does not constitute aggravated robbery (§ 143), be punished with imprisonment of six months to five years.

§ 143<sup>209</sup>

*Aggravated robbery*

1) Any person who commits a robbery as a member of a criminal group with the participation (§ 12) of another member of that group or who commits a robbery using a weapon shall be punished with imprisonment of one to fifteen years.

2) The perpetrator shall be punished with imprisonment of five to fifteen years if the force used causes serious harm to someone (§ 84 paragraph 1). However, if the use of force results in bodily harm with serious lasting consequences (§ 85 paragraph 1), then the perpetrator shall be punished with imprisonment of ten to twenty years, but if the use of force results in the death of another person, the punishment shall be imprisonment of ten to twenty years or for life.

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<sup>208</sup> § 141 paragraph 3 amended by LGBL 2011 no. 379.

<sup>209</sup> § 143 amended by LGBL 2019 no. 124.

## § 144

*Extortion*

1) Any person who by force or a dangerous threat coerces another person into an act, acquiescence, or omission that causes damage to the assets of such other person or of a third person shall be punished with imprisonment of six months to five years, if he acted with the intent to unjustly enrich himself or a third party through the conduct of the coerced person.

2) The act shall not be unlawful if the use of force or threat, as a means for the intended purpose, does not contradict common decency.

## § 145

*Aggravated extortion*

1) Any person who commits extortion

1. by threatening death, substantial mutilation or conspicuous disfigurement, kidnapping, arson, endangerment through nuclear energy, ionizing radiation, or explosives, or destruction of livelihood or social status, or
2. by inflicting a state of agony on the coerced person or another person against whom the force or dangerous threat is directed, by these means and for an extended period of time

shall be punished with imprisonment of one to ten years.

2) Any person shall be punished likewise who commits extortion

1. on a commercial basis, or
2. against the same person for an extended period of time.

3) The perpetrator shall be punished likewise if the act leads to the suicide or attempted suicide of the coerced person or of another person against whom the force or dangerous threat is directed.

## § 146

*Fraud*

Any person who by deceiving another person about facts causes such other person to do, acquiesce in, or omit an act that causes damage to the assets of such other person or of a third person and who has the intent to unjustly enrich himself or a third party as a result of the conduct of the deceived person shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

## § 147

*Serious fraud*

1) Any person who commits fraud by doing any of the following for deception purposes:

1. using a forged or falsified document, a forged, falsified or removed non-cash means of payment, spied-out data of a non-cash means of payment, forged or falsified data, any other such piece of evidence, or an incorrect measurement device,<sup>210</sup>
2. Repealed<sup>211</sup>
3. falsely posing as an official

shall be punished with imprisonment of up to three years.

1a) Any person shall be punished likewise who, by deceiving about the use of a prohibited substance or a prohibited method set out in the annex to the Anti-Doping Convention, LGBL 2000 no. 111, for the purpose of doping in sports, commits fraud causing more than minor damage.<sup>212</sup>

2) Any person shall be punished likewise who commits fraud causing damage in an amount exceeding 7,500 francs.<sup>213</sup>

3) Any person who, as a result of the act, causes damage in an amount exceeding 300,000 francs shall be punished with imprisonment of one to ten years.<sup>214</sup>

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210 § 147 paragraph 1 sub-paragraph 1 amended by LGBL 2009 no. 228.

211 § 147 paragraph 1 sub-paragraph 2 repealed by LGBL 2019 no. 124.

212 § 147 paragraph 1a inserted by LGBL 2019 no. 124.

213 § 147 paragraph 2 amended by LGBL 2019 no. 124.

§ 148<sup>215</sup>*Fraud on a commercial basis*

Any person who commits fraud on a commercial basis shall be punished with imprisonment of up to three years; but any person who commits serious fraud as defined by § 147 paragraphs 1 to 2 on a commercial basis shall be punished with imprisonment of six months to five years.

## § 148a

*Fraudulent misuse of data processing*<sup>216</sup>

1) Any person who, with the intent to unjustly enrich himself or a third party, causes damage to the assets of another person by influencing the results of automatic data processing by designing the programme, by entering, changing, deleting, or suppressing data, or by otherwise intervening in the flow of the processing procedure shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.<sup>217</sup>

2) Any person who commits the act on a commercial basis or through the act causes damage in an amount exceeding 7,500 francs shall be punished with imprisonment of up to three years. Any person who through the act causes damage in an amount exceeding 300,000 francs shall be punished with imprisonment of one to ten years.<sup>218</sup>

## § 149

*Surreptitious obtaining of a service*

1) Any person who surreptitiously obtains transportation from a facility serving public transport, or the entry to a performance, exhibition, other event or to a facility by deceiving about facts without paying the fixed valuable consideration shall, provided that such valuable consideration is only small, be punished with a monetary penalty of up to 60 daily rates.

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<sup>214</sup> § 147 paragraph 3 amended by LGBL 2019 no. 124.

<sup>215</sup> § 148 amended by LGBL 2019 no. 124.

<sup>216</sup> § 148a subject heading amended by LGBL 2009 no. 228.

<sup>217</sup> § 148a paragraph 1 amended by LGBL 2009 no. 228.

<sup>218</sup> § 148a paragraph 2 amended by LGBL 2019 no. 124.



2) Any person who obtains the service of a machine for himself or another person without paying the valuable consideration, such service not representing some commodity, shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates. Any person shall be punished likewise who, without the consent of the authorized person, obtains the service of a data processing system for himself or a third party without paying an adequate valuable consideration.

3) If in the case set out in paragraph 2, the valuable consideration is only small, the perpetrator shall be punished with a monetary penalty of up to 360 daily rates.

4) The perpetrator shall only be prosecuted with the authorization of the aggrieved party.

#### § 150

##### *Fraud out of necessity*

1) Any person who commits a fraud resulting in only minor damage out of necessity shall be punished with a monetary penalty of up to 60 daily rates, unless any of the cases set out in § 147 and § 148 applies.

2) The perpetrator shall only be prosecuted with the authorization of the aggrieved party.

3) Any person who commits the act to the detriment of such person's spouse, registered partner, relative in direct line, sibling, or to the detriment of another relative with whom such person shares a household, shall not be punished, unless the person whose rights have been injured so demands.<sup>219</sup>

#### § 151

##### *Insurance fraud*

1) Any person who, with the intent to obtain an insurance benefit for himself or for another person,

1. destroys, damages or stashes away any object that is insured against destruction, damage, loss, or theft, or

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<sup>219</sup> § 150 paragraph 3 amended by LGBL 2011 no. 379.

2. causes harm to his own body or health or to that of another person, or who permits such harm to be done,

shall, unless the offence carries a penalty under § 146, § 147 and § 148, be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) No person may be punished in accordance with paragraph 1 if such person voluntarily discontinues any further pursuit of the plan before the insurance benefit has been provided and before any authority (paragraph 3) has obtained knowledge of such person's culpability.

3) An authority within the meaning of paragraph 2 shall include any authority with criminal prosecution powers in this capacity. This shall also include public security forces with criminal prosecution powers in this capacity.

#### § 152

##### *Damage to credit*

1) Any person who makes a false statement of facts thus causing damage or jeopardy to the credit, income, or professional development of another person shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.<sup>220</sup>

2) The perpetrator shall only be prosecuted upon demand of the aggrieved party.

#### § 153<sup>221</sup>

##### *Criminal breach of trust*

1) Any person who knowingly abuses their authorization to make dispositions in respect of assets belonging to another person or to bind such other person and thereby causes damage to the assets of such other person shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

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220 § 152 paragraph 1 amended by LGBL 2019 no. 124.

221 § 153 amended by LGBL 2019 no. 124.

2) A person abuses their authorization if they violate rules which serve the protection of the beneficial owner's assets without any justification.

3) Any person who through the act causes damage in an amount exceeding 7,500 francs shall be punished with imprisonment of up to three years. Any person who through the act causes damage in an amount exceeding 300,000 francs shall be punished with imprisonment of one up ten years.

§ 153a<sup>222</sup>

*Misuse of aid*

1) Any person who misuses aid granted to him for purposes other than those for which it was granted shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person shall be punished likewise in accordance with paragraph 1 who commits the act as an executive (§ 74 paragraph 3) of a legal person or a company without legal personality to which the aid was granted, or who commits the act without the consent of the person to whom the aid was granted but nonetheless as an executive (§ 74 paragraph 3) thereof.<sup>223</sup>

3) Any person who commits the act in relation to an amount exceeding 7,500 francs shall be punished with imprisonment of up to two years.<sup>224</sup>

4) Any person who commits the act in relation to an amount exceeding 300,000 francs shall be punished with imprisonment of six months to five years.<sup>225</sup>

5) Aid shall mean a financial contribution granted for the purpose of pursuing public interests from public budgets, including the general budget of the European Communities and the budgets administered by the European Communities or on their behalf, and for which no adequate monetary consideration is given; financial contributions with the character of a social benefit shall be exempt.

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222 § 153a inserted by LGBL 2007 no. 186.

223 § 153a paragraph 2 amended by LGBL 2016 no. 161.

224 § 153a paragraph 3 amended by LGBL 2019 no. 124.

225 § 153a paragraph 4 amended by LGBL 2019 no. 124.

## § 154

*Usury*

1) Any person who exploits the plight, imprudence, inexperience, or lack of judgement of another person by obtaining a promise or grant of a pecuniary benefit for himself or a third party in return for a performance that serves to satisfy a financial need, in particular for granting or procuring a loan or for deferring a monetary claim or procuring such a deferment, such pecuniary benefit being conspicuously disproportionate to the value of his own performance, shall be punished with imprisonment of up to three years.

2) Any person shall be punished likewise who usuriously realizes such a claim passed to him.

3) Any person who commits usury on a commercial basis shall be punished with imprisonment of six months to five years.

4) Repealed.<sup>226</sup>

## § 155

*Profiteering*

1) Any person who, other than in the cases set out in § 154, exploits the plight, imprudence, inexperience, or lack of judgement of another person on a commercial basis by obtaining a promise or grant of a pecuniary benefit for himself or a third party in return for a commodity or other performance, such pecuniary benefit being conspicuously disproportionate to the value of his own performance, shall be punished with imprisonment of up to three years, but if he has seriously damaged a larger number of persons through the act, the punishment shall be imprisonment of six months to five years.

2) Any person shall be punished likewise who in a profiteering manner and on a commercial basis realizes such a claim passed to him.

3) Repealed.<sup>227</sup>

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<sup>226</sup> § 154 paragraph 4 repealed by LGBl. 2019 no. 124.

<sup>227</sup> § 155 paragraph 3 repealed by LGBl. 2019 no. 124.

## § 156

*Fraudulent bankruptcy*

1) Any person who conceals, stashes away, sells, or causes damage to a component of his assets, purports the existence of or recognizes a non-existent liability, or otherwise actually or in pretence decreases his assets, and thereby frustrates or reduces satisfaction of the claims of his creditors or of at least one of them, shall be punished with imprisonment of six months to five years.

2) Any person who, as a result of the act, causes damage in an amount exceeding 300,000 francs shall be punished with imprisonment of one to ten years.<sup>228</sup>

## § 157

*Detriment to third-party creditors*

Any person shall be punished likewise who, without the consent of the debtor, conceals, stashes away, sells, or causes damage to a component of the debtor's assets or asserts a non-existent right against the debtor's assets and thereby frustrates or reduces satisfaction of the claims of the creditors or of at least one of them.

## § 158

*Favouring of a creditor*

Any person who, after entering into insolvency, favours one creditor and thereby disadvantages the other creditors or at least one of them shall be punished with imprisonment of up to two years.

§ 159<sup>229</sup>*Grossly negligent interference with creditor interests*

1) Any person who grossly negligently (§ 6 paragraph 3) effects his own insolvency by employing deceptive insolvency

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<sup>228</sup> § 156 paragraph 2 amended by LGBL 2019 no. 124.

<sup>229</sup> § 159 amended by LGBL 2007 no. 46.

practices (paragraph 5) shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>230</sup>

2) Any person shall be punished likewise who with knowledge or negligent ignorance of his own insolvency grossly negligently (§ 6 paragraph 3) frustrates or reduces satisfaction of the claims of at least one of his creditors by employing deceptive insolvency practices pursuant to paragraph 5.<sup>231</sup>

3) Any person shall be punished likewise who grossly negligently (§ 6 paragraph 3) impairs his own economic situation by employing deceptive insolvency practices (paragraph 5) to such an extent that insolvency would have occurred unless one or more regional authorities with no obligation to do so had provided direct or indirect allowances, had taken similar measures or had caused others to provide allowances or to take similar measures.<sup>232</sup>

4) Any person shall be punished with imprisonment of up to two years who

1. in the case set out in paragraph 1 causes a deficit above 1,200,000 francs in the satisfaction of the claims of his creditors or of at least one or them,
2. in the case set out in paragraph 2 causes an additional deficit above 1,200,000 francs in the satisfaction of the claims of his creditors or of at least one or them, or
3. through any of the acts punishable in accordance with paragraphs 1 or 2 causes damage to the livelihood of many people or, in the case set out in paragraph 3, would have caused damage to the livelihood of many people.

5) A person employs deceptive insolvency practices if such person against the principles of properly doing business

1. destroys, damages, renders useless, dissipates, or gives away a significant component of his assets,
2. spends excessive amounts of money on unusually daring business deals that are not part of his ordinary business activities, or on gaming or betting,

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<sup>230</sup> § 159 paragraph 1 amended by LGBL 2019 no. 124.

<sup>231</sup> § 159 paragraph 2 amended by LGBL 2019 no. 124.

<sup>232</sup> § 159 paragraph 3 amended by LGBL 2019 no. 124.

3. makes an expenditure in a manner that conspicuously contradicts his financial circumstances or economic ability,
4. omits to keep business accounts or records of his business activity or keeps them in such a manner that an up-to-date overview allowing a true and fair view of the assets, liabilities, financial position and profit or loss is rendered considerably more difficult, or if such person omits to take other useful and necessary control measures that allow such person to obtain such an overview, or
5. omits to draw up annual accounts which he is required to draw up, or if he draws them up in such a manner or with such a delay that an up-to-date overview allowing a true and fair view of the assets, liabilities, financial position and profit or loss is rendered considerably more difficult.

§ 160

*Unlawful activities in composition agreement proceedings or  
bankruptcy proceedings*

1) Any person shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates who<sup>233</sup>

1. asserts a claim that is not justified or a claim the extent or rank of which is not justified in order to gain any influence in bankruptcy proceedings or composition agreement proceedings that such person is not entitled to;
2. as a creditor, to the detriment of the other creditors, accepts, or accepts the promise of, a pecuniary benefit for himself or a third party in return for exercising his voting right in a particular manner or for omitting to exercise his voting right, and also any person who grants or promises a pecuniary benefit to a creditor for this purpose;
3. as a creditor, to the detriment of the other creditors, accepts, or accepts the promise of, a special benefit for himself or a third party in return for the consent to a composition agreement in composition agreement proceedings or to a composition agreement in bankruptcy without the consent of the other

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<sup>233</sup> § 160 paragraph 1 introductory sentence amended by LGBl. 2019 no. 124.

creditors, and also any person who grants or promises a special benefit to a creditor for this purpose.

2) Any administrator in composition agreement proceedings and the receiver in bankruptcy [proceedings] shall be punished likewise, if they accept, or accept the promise of, an undue pecuniary benefit for themselves or for a third party to the detriment of the creditors.

§ 161<sup>234</sup>

*Common provisions on the responsibility of executives*

1) Any person shall be punished in the same manner as a debtor in accordance with § 156, § 158, § 159 and § 162 and as a creditor in accordance with § 160 if such person performs any of the acts set out in these provisions as an executive (§ 74 paragraph 3) of a legal person or of a company without legal personality. Any person who acts without the consent of the debtor or creditor but acts as their executive (§ 74 paragraph 3) shall be punished likewise in accordance with the mentioned provisions.

2) Any person shall also be punished in accordance with § 160 paragraph 2 if such person commits any of the acts set out therein as an executive (§ 74 paragraph 3) of a legal person or of a company without legal personality upon whom any of the tasks set out therein has been conferred.

§ 162<sup>235</sup>

*Frustration of execution*

1) Any debtor who conceals, stashes away, sells, or causes damage to a component of his assets, purports the existence of or recognizes a non-existent liability, or otherwise actually or in pretence decreases his assets, and thereby frustrates or reduces satisfaction of the claims of a creditor through compulsory execution or in pending compulsory execution proceedings shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

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<sup>234</sup> § 161 amended by LGBl. 2016 no. 161.

<sup>235</sup> § 162 amended by LGBl. 2013 no. 73.



2) Any person who, as a result of the act, causes damage in an amount exceeding 7,500 francs shall be punished with imprisonment of up to three years.<sup>236</sup>

§ 163

*Frustration of execution for the benefit of another*

Any person shall be punished likewise who, without the consent of the debtor, conceals, stashes away, sells, or causes damage to a component of the debtor's assets or asserts a non-existent right against the debtor's assets and thereby frustrates or reduces satisfaction of the claims of a creditor through compulsory execution or in pending compulsory execution proceedings.

§ 164<sup>237</sup>

*Handling stolen goods*

1) Any person who, after a punishable act against the assets of another, supports the perpetrator of that act in concealing or realizing an object the perpetrator has obtained through that act shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person shall be punished likewise who buys or otherwise takes possession of such an object or procures the object for a third party.

3) Any person who handles a stolen object with a value of more than 7,500 francs shall be punished with imprisonment of up to two years.<sup>238</sup>

4) Any person who handles a stolen object with a value of more than 300,000 francs or who handles stolen goods on a commercial basis shall be punished with imprisonment of six months to five years. The handler of stolen goods shall be punished likewise if the punishable act by which the object was obtained carries a penalty of imprisonment that reaches or exceeds five years for any reason other than for reasons of commission on

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<sup>236</sup> § 162 paragraph 2 amended by LGBL 2019 no. 124.

<sup>237</sup> § 164 amended by LGBL 1996 no. 64.

<sup>238</sup> § 164 paragraph 3 amended by LGBL 2019 no. 124.

a commercial basis, and if the handler of stolen goods knows the circumstances giving rise to this penalty.<sup>239</sup>

5) Any person who commits an act as defined by paragraphs 1 or 2 in respect of an object of low value because of hardship, imprudence, or to satisfy a craving shall be punished with imprisonment of up to one month or with a monetary penalty of up to 60 daily rates, unless the predicate offence is theft by breaking and entering or using weapons as defined by § 129 paragraph 2, theft involving use of force as defined by § 131, serious interference with hunting or fishing rights of another as defined by § 138 (2), robbery as defined by § 142, aggravated robbery as defined by § 143, extortion as defined by § 144 or aggravated extortion as defined by § 145.<sup>240</sup>

6) Any person who commits an act pursuant to paragraph 5 shall only be prosecuted with the authorization of the person aggrieved as a result of the predicate offence.<sup>241</sup>

7) Any person who commits an act pursuant to paragraph 5 shall not be punished if the predicate offence was committed to the detriment of the person's spouse, registered partner, a relative in direct line, a sibling, or other relative, provided that the person shares a household with that relative.<sup>242</sup>

#### § 165<sup>243</sup>

##### *Money laundering*

1) Any person who hides asset components originating from an act carrying a penalty of more than one year or a misdemeanour under § 223, § 229, § 289, § 293 or § 295, under articles 83 to 85 of the Foreigners Act, under article 140 of the Tax Act or under articles 88 or 89 of the Value Added Tax Act, or an infraction under article 24 of the Market Abuse Act, or conceals their origin, in particular by providing false information in legal transactions concerning the origin or the true nature of, the ownership or other rights pertaining to, the power of disposal

239 § 164 paragraph 4 amended by LGBl. 2019 no. 124.

240 § 164 paragraph 5 inserted by LGBl. 2019 no. 124.

241 § 164 paragraph 6 inserted by LGBl. 2019 no. 124.

242 § 164 paragraph 7 inserted by LGBl. 2019 no. 124.

243 § 165 amended by LGBl. 2019 no. 122.

over, the transfer of, or the location of such asset components, shall be punished with imprisonment of up to three years.

2) Any person who appropriates or takes into safekeeping asset components originating from an act carrying a penalty of more than one year, a misdemeanour under § 223, § 229, § 289, § 293 or § 295, under articles 83 to 85 of the Foreigners Act, or under articles 88 or 89 of the Value Added Tax Act, or an infraction under article 24 of the Market Abuse Act, or any person who knowingly appropriates or takes into safekeeping asset components originating from a misdemeanour under article 140 of the Tax Act, whether merely in order to hold these asset components in safekeeping, to invest them, or to manage them, or who converts, realizes, or transfers such asset components to a third party, shall be punished with imprisonment of up to two years.

3) Any person who appropriates or takes into safekeeping asset components of a criminal organization (§ 278a) or a terrorist group (§ 278b) on behalf of or in the interest of such a criminal organization or terrorist group, whether merely in order to hold these asset components in safekeeping, to invest them, or to manage them, or who converts, realizes, or transfers such asset components to a third party, shall be punished with imprisonment of up to three years.

4) Any person who commits the act in relation to a value exceeding 75,000 francs or as a member of a criminal group that has joined together for the purpose of continued money laundering shall be punished with imprisonment of one year to ten years.

5) An asset component shall be deemed to arise from an offence if

- 1) the perpetrator of the offence has obtained the asset component through the act or received it for the commission of the act or if the value of the originally obtained or received asset is embodied therein, or
- 2) the asset component was saved through the commission of a misdemeanour under article 140 of the Tax Act or under article 88 or 89 of the Value Added Tax Act.

§ 165a<sup>244</sup>*Active repentance*

1) No person shall be punished for money laundering if such person, voluntarily and before the authorities (§ 151 paragraph 3) have learned of such person's culpability, enables the sequestration of significant assets involved in money laundering by reporting information to the authorities, or enables such sequestration in any other manner.

2) If significant assets involved in money laundering are sequestered without the perpetrator's participation, such perpetrator shall not be punished, if the perpetrator, having no knowledge thereof, voluntarily and earnestly has endeavoured to enable the sequestration.

## § 166

*Commission within the family circle*

1) Any person who causes damage to property, to data, causes interference with the functioning of a computer system, commits a theft with exception of the cases set out in §§ 129 paragraph 2 subparagraph 2, 131, commits energy theft, embezzlement, misappropriation, permanent deprivation of an object belonging to another, an interference with the hunting and fishing rights of another with the exception of the cases set out in § 138 subparagraphs 2 and 3 and in § 140, commits fraud, a fraudulent misuse of data processing, a criminal breach of trust, the handling of stolen goods as defined by § 164 paragraphs 1 to 4, forges non-cash means of payment, accepts, passes on or possesses forged or falsified non-cash means of payment, prepares the forgery of non-cash means of payment, removes a non-cash means of payment, accepts, passes on or possesses removed non-cash means of payment or spies out data of a non-cash means of payment to the detriment of such person's spouse, registered partner, a relative in direct line, a sibling, or to the detriment of another relative, provided that such person shares a household with that relative, shall be punished with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates; however, any person shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates if the offence

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<sup>244</sup> § 165a inserted by LGBL 1996 no. 64.

would otherwise be punishable by imprisonment reaching or exceeding three years. However, no guardian, curator or custodian acting to the detriment of the person for whom he/she has been appointed shall fall under the present provision.<sup>245</sup>

2) Any person shall be punished likewise who participates (§ 12) in the act merely for the benefit of another person, if that other person is in any of the stated relationships to the aggrieved party.

3) The perpetrator shall only be prosecuted upon demand of the aggrieved party.

### § 167

#### *Active repentance*

1) Active repentance shall render moot any criminal liability for damage to property, to data, interference with the functioning of a computer system, theft, data theft, energy theft, embezzlement, misappropriation, permanent deprivation of an object belonging to another, interference with the hunting and fishing rights of another, depriving, fraud, fraudulent misuse of data processing, surreptitious obtaining of a service, fraud out of necessity, criminal breach of trust, misuse of aid, usury, detriment to third-party creditors, favouring of a creditor, grossly negligent interference with creditor interests, frustration of execution and handling stolen goods.<sup>246</sup>

2) The perpetrator shall benefit from active repentance if such perpetrator, before the authorities (§ 151 paragraph 3) have learned of his culpability, even if at the urging of the aggrieved party but without being forced to do so,

1. provides compensation for the total damage caused by his act, or
2. enters into a contractual obligation to provide such compensation to the aggrieved party within a specified period of time. In the latter case, the perpetrator's criminal liability shall be restored, if the perpetrator fails to comply with his obligation.

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<sup>245</sup> § 166 paragraph 1 amended by LGBL 2019 no. 124.

<sup>246</sup> § 167 paragraph 1 amended by LGBL 2009 no. 228.

3) The perpetrator shall not be punished either if he provides compensation for the total damage caused by his act after reporting such act to the authorities (§ 151 paragraph 3), such reporting disclosing his culpability, and depositing the compensation with the said authority.

4) Any perpetrator who has earnestly endeavoured to provide compensation for the damage caused shall not be punished either if a third party in the perpetrator's name or another person participating in the offence provides compensation for the total damage caused as a result of the act under the requirements set out in paragraph 2.

§ 168<sup>247</sup>

Repealed

§ 168a<sup>248</sup>

*Chain or pyramid schemes*

1) Any person who

1. initiates or operates, or
2. propagates through gatherings, brochures, or in any other manner capable of recruiting a great number of participants, or
3. otherwise on a commercial basis promotes the propagation of

a system involving profit expectations in which the participants are promised a pecuniary benefit for their payment on condition that other participants are recruited into such or a related system under the same conditions and in which the obtaining of a pecuniary benefit depends in whole or in part on the conduct of any further participants in line with the conditions (chain or pyramid schemes) shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates, unless the system is operated merely for common-benefit purposes or requires payments of merely small value.

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<sup>247</sup> § 168 repealed by LGBL 2010 no. 238.

<sup>248</sup> § 168a inserted by LGBL 2007 no. 46.

2) Any person who, as a result of the act, has caused serious damage to a larger number of persons shall be punished with imprisonment of up to three years.

## Section 7

### Offences against public safety

#### § 169

##### *Arson*

1) Any person who causes a conflagration of an object belonging to another person without the consent of the owner shall be punished with imprisonment of one to ten years.

2) Any person shall be punished likewise who causes a conflagration of an object belonging to himself or of the object of another person with such other person's consent and thereby causes a danger to the life or limb (§ 89) of such other person or of a third party, or to the property of a third party on a large scale.

3) If the act results in the death of a person or serious bodily harm (§ 84 paragraph 1) to a larger number of persons or if the act causes distress to many persons, then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act has entailed the death of a larger number of persons, the punishment shall be imprisonment of ten to twenty years.<sup>249</sup>

#### § 170

##### *Negligent causing of a conflagration*

1) Any person who negligently commits any of the acts carrying a penalty pursuant to § 169 shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>250</sup>

2) If the act results in the death of a person or serious bodily harm (§ 84 paragraph 1) to a larger number of persons or if the act

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<sup>249</sup> § 169 paragraph 3 amended by LGBl. 2019 no. 124.

<sup>250</sup> § 170 paragraph 1 amended by LGBl. 2019 no. 124.

causes distress to many persons, then the perpetrator shall be punished with imprisonment of up to three years, but if the act has entailed the death of a larger number of persons, the punishment shall be imprisonment of six months to five years.

§ 171

*Intentional endangerment through nuclear energy or ionizing radiation*

1) Any person who effects that the life or limb (§ 89) of another person or another person's property on a large scale is endangered by the release of nuclear energy or otherwise through ionizing radiation shall be punished with imprisonment of one to ten years.

2) If the act entails any of the consequences referred to in § 169 paragraph 3, the penalties provided for therein shall be imposed.

§ 172

*Negligent endangerment through nuclear energy or ionizing radiation*

1) Any person who negligently commits the act carrying a penalty pursuant to § 171 shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>251</sup>

2) If the act entails any of the consequences referred to in § 170 paragraph 2, the penalties provided for therein shall be imposed.

§ 173

*Intentional endangerment through explosives*

1) Any person who detonates an explosive as an explosive and thereby endangers the life or limb (§ 89) of another person or another person's property on a large scale shall be punished with imprisonment of one to ten years.

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<sup>251</sup> § 172 paragraph 1 amended by L.GBl. 2019 no. 124.



2) If the act entails any of the consequences referred to in § 169 paragraph 3, the penalties provided for therein shall be imposed.

§ 174

*Negligent endangerment through explosives*

1) Any person who negligently commits the act carrying a penalty pursuant to § 173 shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>252</sup>

2) If the act entails any of the consequences referred to in § 170 paragraph 2, the penalties provided for therein shall be imposed.

§ 175

*Preparation of a crime with nuclear energy, ionizing radiation or explosives*

1) Any person who, with the purpose of enabling himself or another person to commit an act carrying a penalty pursuant to § 171 or § 173, even if such act has not yet been determined, manufactures, purchases, or possesses nuclear fuel, a radioactive substance, an explosive, a component of an explosive, or a device required to produce or use any of those substances, or who lets another person have such a substance in the knowledge (§ 5 paragraph 3) that such other person is acquiring the substance for the purpose of preparing any of the aforementioned punishable acts, shall be punished with imprisonment of six months to five years.

2) The perpetrator shall not be punished if he, voluntarily and before the authorities (§ 151 paragraph 3) have learned of his culpability, hands the object over to the authorities, enables the authorities to get hold of the object, or otherwise eliminates the risk that the object will be used to commit any of the acts carrying a penalty pursuant to § 171 or § 173.

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<sup>252</sup> § 174 paragraph 1 amended by LGBL 2019 no. 124.

## § 176

*Intentional endangerment of public safety*

1) Any person who, other than through any of the acts carrying a penalty pursuant to § 169, § 171 and § 173, endangers the life or limb (§ 89) of a larger number of persons or another person's property on a large scale shall be punished with imprisonment of one to ten years.

2) If the act entails any of the consequences referred to in § 169 paragraph 3, the penalties provided for therein shall be imposed.

## § 177

*Negligent endangerment of public safety*

1) Any person who, other than through any of the acts carrying a penalty pursuant to § 170, § 172 and § 174, negligently endangers the life or limb (§ 89) of a larger number of persons or another person's property on a large scale shall be punished with imprisonment of up to one year.

2) If the act entails any of the consequences referred to in § 170 paragraph 2, the penalties provided for therein shall be imposed.

§ 177a<sup>253</sup>*Production and dissemination of weapons of mass destruction*

1) Any person who

1. produces, manufactures or develops for the purpose of production
2. imports to national territory, exports from national territory or transits through national territory, or
3. acquires, possesses or passes on or obtains for another any nuclear, radiological, biological or chemical weapons designed for and capable of mass destruction shall be punished with imprisonment of one to ten years.

2) If the perpetrator knows that the weapons are destined for a territory in which a war or an armed conflict has broken out or in

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253 § 177a inserted by L.GBl. 2019 no. 124.

which there is an immediate risk that such war or armed conflict will break out, such perpetrator shall be punished with imprisonment of five to fifteen years, but if the perpetrator knows that the weapons are intended to be used, the perpetrator shall be punished with imprisonment of ten to twenty years or for life.

§ 177b<sup>254</sup>

*Unauthorized handling of nuclear material, radioactive substances or radiation equipment*

1) Any person who, in violation of a provision of the law or an official mandate, produces, treats, processes, uses, possesses, disposes of, transports, imports to national territory, exports from national territory or transits through national territory any nuclear material shall be punished with imprisonment of up to three years.

2) Any person shall be punished likewise who, in violation of a provision of the law or an official mandate, produces, treats, processes, uses, possesses, removes, transports, imports to national territory, exports from national territory or transits through national territory any radioactive substances or radiation equipment in such a manner that this can result in

1. a danger to the life or serious bodily harm (§ 84 paragraph 1) of another or otherwise to the health or physical safety of a larger number of persons,
2. a danger to animal or plant populations to a significant extent,
3. a deterioration of the quality of waters, the ground or of air quality for an extended period of time, or
4. removal costs exceeding the amount of 75,000 francs.

3) Any person who, in violation of a provision of the law or an official mandate, produces, treats, processes, uses, possesses, removes, transports, imports to national territory, exports from national territory or transits through national territory any nuclear material or radioactive substances, thereby creating the risk that nuclear material or radioactive substances become accessible for the manufacturing or processing of nuclear or radiological weapons capable of mass destruction shall be punished with imprisonment of six months to five years. Any person shall be

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254 § 177b inserted by L.GBl. 2019 no. 124.

punished likewise who commits any of the acts mentioned in paragraphs 1 or 2 on a commercial basis.

4) If any of the acts mentioned in paragraphs 1 or 2 create the risk mentioned in § 171 paragraph 1, cause significant damage to the animal or plant populations, entail a deterioration of the quality of waters, the ground or of air quality for an extended period of time, the perpetrator shall be punished with imprisonment of one to ten years. If the act entails any of the consequences mentioned in § 169 paragraph 3, the penalties referred to in that provision shall be imposed.

5) The term 'nuclear material' shall mean source material and special fissile material as well as any equipment, technology and substances which can be used for obtaining energy by means of nuclear fission processes. The term 'radioactive substances' shall mean any substances which contain one or more radionuclides, provided that their activity or concentration cannot be disregarded in the light of the state of the art in connection with radiation protection; any objects which contain radioactive substances or on the surface of which any such substances can be found shall be treated in the same manner as radioactive substances. 'Radiation equipment' shall mean any equipment or facilities which, without containing any radioactive substances, are capable of emitting ionising radiation and the operation of which requires a licence.

§ 177c<sup>255</sup>

*Negligent unauthorized handling of nuclear material, radioactive substances or radiation equipment*

1) Any person who, in violation of a provision of the law or an official mandate, negligently commits any of the acts punishable pursuant to § 177b paragraphs 1, 2 or 3 shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

2) If the act creates the risk mentioned in § 171 paragraph 1, causes significant damage to the animal or plant populations, entails a deterioration of the quality of waters, the ground or of air quality for an extended period of time, the perpetrator shall be punished with imprisonment of up to two years. If the act entails

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255 § 177c inserted by L.GBl. 2019 no. 124.

any of the consequences mentioned in § 170 paragraph 2, the penalties referred to in that provision shall be imposed.

§ 177d<sup>256</sup>

*Intentional unauthorized handling of substances which contribute to the depletion of the ozone layer*

Any person who, in violation of a provision of the law or an official mandate, produces, imports, exports, brings into circulation or uses any substances which contribute to the depletion of the ozone layer shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

§ 177e<sup>257</sup>

*Grossly negligent unauthorized handling of substances which contribute to the depletion of the ozone layer*

Any person who, in violation of a provision of the law or an official mandate, grossly negligently (§ 6 paragraph 3) commits any of the acts punishable pursuant to § 177d shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

§ 178<sup>258</sup>

*Intentional endangerment of persons through transmissible diseases*

Any person who commits an act capable of creating a risk that a transmissible disease is spread among humans shall be punished with imprisonment of up to three years, if the nature of the disease requires mandatory notification or reporting, even if only to a limited extent.

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256 § 177d inserted by LGBL 2019 no. 124.

257 § 177e inserted by LGBL 2019 no. 124.

258 § 178 amended by LGBL 2019 no. 124.

§ 179<sup>259</sup>*Negligent endangerment of persons through transmissible diseases*

1) Any person who negligently commits the act carrying a penalty pursuant to § 178 shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

§ 180<sup>260</sup>*Intentional interference with the environment*

1) Any person who, in violation of a legal provision or an official mandate, contaminates or otherwise interferes with a body of water, the soil or air in a manner capable of causing

1. a danger to the life of, or a risk of serious bodily harm (§ 84 paragraph 1) to, another person or otherwise to the health or physical safety of a larger number of persons,
2. a danger to animal or plant populations to a significant extent,
3. a deterioration of the water, soil or air conditions for an extended period of time, or
4. removal costs or other damage to an object belonging to another person or to a cultural property under protection as defined by the Cultural Property Act or to a natural monument in an amount exceeding 75,000 francs,<sup>261</sup>

shall be punished with imprisonment of up to three years.

2) If the act causes significant damage to the animal or plant populations, entails a deterioration of the water, soil or air conditions for an extended period of time, or causes removal costs or other damage to an object belonging to another person, to a cultural property under protection as defined by the Cultural Property Act, or to a natural monument in an amount exceeding 75,000 francs, the perpetrator shall be punished with imprisonment of six months to five years. If the act entails any of the consequences referred to in § 169 paragraph 3, the penalties provided for therein shall be imposed.<sup>262</sup>

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259 § 179 amended by LGBL 2019 no. 124.

260 § 180 amended by LGBL 2013 no. 73.

261 § 180 paragraph 1 sub-paragraph 4 amended by LGBL 2016 no. 274.

262 § 180 paragraph 2 amended by LGBL 2016 no. 274.

§ 181<sup>263</sup>*Negligent interference with the environment*

1) Any person who, negligently and in violation of a legal provision or an official mandate, commits any of the acts carrying a penalty pursuant to § 180 shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>264</sup>

2) If the act causes significant damage to the animal or plant populations, entails a deterioration of the water, soil or air conditions for an extended period of time, or causes removal costs or other damage to an object belonging to another person, to a cultural property under protection as defined by the Cultural Property Act or to a natural monument in an amount exceeding 75,000 francs, the perpetrator shall be punished with imprisonment of up to two years. If the act entails any of the consequences referred to in § 170 paragraph 2, the penalties provided for therein shall be imposed.<sup>265</sup>

§ 181a<sup>266</sup>*Intentional treatment and shipments of waste in a manner that represents a hazard to the environment*

1) Any person who, in violation of a legal provision or an official mandate, collects, transports, recycles or removes waste, or who, within an enterprise, supervises or controls such activities in a manner capable of causing<sup>267</sup>

1. a danger to the life of, or a risk of serious bodily harm (§ 84 paragraph 1) to, another person or otherwise to the health or physical safety of a larger number of persons,
2. a danger to animal or plant populations to a significant extent,
3. a deterioration of the water, soil or air conditions for an extended period of time, or
4. removal costs exceeding the amount of 75,000 francs

263 § 181 amended by LGBL. 2013 no. 73.

264 § 181 paragraph 1 amended by LGBL. 2019 no. 124.

265 § 181 paragraph 2 amended by LGBL. 2019 no. 124.

266 § 181a inserted by LGBL. 2013 no. 73.

267 § 181a paragraph 1 amended by LGBL. 2019 no. 124.

shall be punished with imprisonment of up to two years.

2) If the act causes significant damage to the animal or plant populations, entails a deterioration of the water, soil or air conditions for an extended period of time, or causes removal costs in an amount exceeding 75,000 francs, the perpetrator shall be punished with imprisonment of up to three years. If the act entails any of the consequences referred to in § 169 paragraph 3, the penalties provided for therein shall be imposed.

3) Any person who, with the exception of the case set out in paragraph 2, ships waste in a significant quantity in violation of article 2 paragraph 35 of the Regulation (EC) no. 1013/2006 on shipments of waste shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>268</sup>

§ 181b<sup>269</sup>

*Negligent treatment and shipments of waste in a manner that represents a hazard to the environment*

1) Any person who, negligently and in violation of a legal provision or an official mandate, commits any of the acts carrying a penalty pursuant to § 181a shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) If the act causes significant damage to the animal or plant populations, entails a deterioration of the water, soil or air conditions for an extended period of time, or causes removal costs in an amount exceeding 75,000 francs, the perpetrator shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates. If the act entails any of the consequences referred to in § 170 paragraph 2, the penalties provided for therein shall be imposed.<sup>270</sup>

3) Any person who, with the exception of the cases set out in paragraphs 1 and 2, grossly negligently (§ 6 paragraph 3) ships waste in a significant quantity in violation of article 2 paragraph 35 of the Regulation (EC) no. 1013/2006 on shipments of waste shall

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<sup>268</sup> § 181a paragraph 3 amended by LGBL 2019 no. 124.

<sup>269</sup> § 181b inserted by LGBL 2013 no. 73.

<sup>270</sup> § 181b paragraph 2 amended by LGBL 2019 no. 124.



be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.<sup>271</sup>

§ 181c<sup>272</sup>

*Intentional operation of plants in a manner that represents a hazard to the environment*

1) Any person who, in violation of a legal provision or an official mandate, operates a plant in which a dangerous activity is carried out in a manner capable of causing<sup>273</sup>

1. a danger to the life of, or a risk of serious bodily harm (§ 84 paragraph 1) to, another person or otherwise to the health or physical safety of a larger number of persons,
2. a danger to animal or plant populations to a significant extent,
3. a deterioration of the water, soil or air conditions for an extended period of time, or
4. removal costs exceeding the amount of 75,000 francs,

shall be punished with imprisonment of up to two years.

2) If the act causes significant damage to the animal or plant populations, entails a deterioration of the water, soil or air conditions for an extended period of time, or causes removal costs in an amount exceeding 75,000 francs, the perpetrator shall be punished with imprisonment of up to three years. If the act entails any of the consequences referred to in § 169 paragraph 3, the penalties provided for therein shall be imposed.<sup>274</sup>

§ 181d<sup>275</sup>

*Grossly negligent operation of plants in a manner that represents a hazard to the environment*

1) Any person who, grossly negligently (§ 6 paragraph 3) and in violation of a legal provision or an official mandate, commits

271 § 181b paragraph 3 amended by LGBL 2019 no. 124.

272 § 181c inserted by LGBL 2013 no. 73.

273 § 181c paragraph 1 amended by LGBL 2019 no. 124.

274 § 181c paragraph 2 amended by LGBL 2019 no. 124.

275 § 181d inserted by LGBL 2013 no. 73.

the act carrying a penalty pursuant to § 181c paragraph 1 shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.<sup>276</sup>

2) If the act causes significant damage to the animal or plant populations, entails a deterioration of the water, soil or air conditions for an extended period of time, or causes removal costs in an amount exceeding 75,000 francs, the perpetrator shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates. If the act entails any of the consequences referred to in § 170 paragraph 2, the penalties provided for therein shall be imposed.<sup>277</sup>

§ 181e<sup>278</sup>

*Intentional damage to animal or plant populations*

1) Any person who, in violation of a legal provision or an official mandate, kills, possesses, or destroys the forms of development of, or removes from nature, any specimens of a protected wild fauna species, or destroys, possesses or removes from nature any specimens of a protected wild flora species shall be punished with imprisonment of up to two years, unless the act concerns only a negligible quantity of such specimens and has only a negligible impact on the conservation status of the species.

2) Protected wild fauna and flora species shall be the species specified in Appendices I to III of the Convention on the conservation of European wildlife and natural habitats, LGBL 1982 no. 42.

§ 181f<sup>279</sup>

*Grossly negligent damage to animal or plant populations*

Any person who, in violation of a legal provision or an official mandate, grossly negligently (§ 6 paragraph 3) commits any of the acts punishable pursuant to § 181e shall be punished with

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276 § 181d paragraph 1 amended by LGBL 2019 no. 124.

277 § 181d paragraph 2 amended by LGBL 2019 no. 124.

278 § 181e inserted by LGBL 2019 no. 124.

279 § 181f inserted by LGBL 2019 no. 124.

imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

§ 181g<sup>280</sup>

*Intentional damage to habitats in protected sites*

1) Any person who, in violation of a legal provision or an official mandate, causes significant damage to a habitat within a protected site shall be punished with imprisonment of up to two years.

2) Habitat within a protected site shall mean any habitat of species for which an area is classified as a special protection area on the basis of an act of law or an ordinance, or any natural habitat or a habitat of species for which a site is designated as a special area of conservation on the basis of an act of law or an ordinance.

§ 181h<sup>281</sup>

*Grossly negligent damage to habitats in protected sites*

Any person who, in violation of a legal provision or an official mandate, grossly negligently (§ 6 paragraph 3) commits the act punishable pursuant to § 181g shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

§ 182<sup>282</sup>

*Other types of endangerment of animal and plant populations*

- 1) Any person who commits an act capable of creating<sup>283</sup>
1. the danger of the spread of an epidemic among animals or
  2. the danger of the spread of a pathogen or parasite dangerous to animal or plant populations,

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280 § 181g inserted by LGBL 2019 no. 124.

281 § 181h inserted by LGBL 2019 no. 124.

282 § 182 amended by LGBL 2013 no. 73.

283 § 182 paragraph 1 amended by LGBL 2019 no. 124.

shall be punished with imprisonment of up to two years.

2) Any person shall be punished likewise who, in violation of a legal provision or an official mandate, causes significant danger to animal or plant populations in a manner other than the manner set out in § 180.

### § 183

#### *Negligent endangerment of animal or plant populations*

Any person who negligently commits any of the acts carrying a penalty pursuant § 182 shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

### § 183a<sup>284</sup>

#### *Mistake about legal provisions and official mandates*

1) If, in the cases set out in § 180, § 181a, § 181c, § 181e, § 181g and § 182, the perpetrator has not acquainted himself with a legal provision or with an official mandate, even though his profession, occupation or other circumstances obliged him to do so or if he can otherwise be blamed for a mistake about the legal provision or official mandate, then such perpetrator shall be punished in accordance with these provisions nonetheless, provided that he also acts intentionally.

2) Paragraph 1 shall be applicable to the cases set out in § 181, § 181b paragraphs 1 and 2 and § 183 *mutatis mutandis*, provided that the perpetrator acts negligently, and it shall be applicable to the cases set out in § 181b paragraph 3, § 181d, § 181f and § 181h, provided that he acts grossly negligently (§ 6 paragraph 3).

### § 183b<sup>285</sup>

#### *Active repentance*

1) No person shall be punished for an act carrying a penalty pursuant to § 180, § 181 and § 181a to § 183, if such person,

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<sup>284</sup> § 183a amended by LGBl. 2019 no. 124.

<sup>285</sup> § 183b inserted by LGBl. 2013 no. 73.

voluntarily and before the authorities (§ 151 paragraph 3) have learned of such person's culpability, removes any dangers, contaminations and other interferences caused by such person as long as no damage to any human or to animal or plant populations has occurred yet.

2) § 167 paragraph 4 shall be applied *mutatis mutandis*.

§ 184

*Quackery*

Any person who, without having received the training necessary for the medical profession, carries out an activity reserved under the law to physicians in relation to a larger number of persons on a commercial basis shall be punished with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates.

§ 185

*Air piracy*

1) Any person who, exploiting the special circumstances of aviation, by force or a dangerous threat against a person on board the aircraft or against a person who can influence the course of the aircraft or the safety on board, brings an aircraft under his power or control or commands such aircraft shall be punished with imprisonment of one to ten years.

2) If the act results in the death of a person or serious bodily harm (§ 84 paragraph 1) to a larger number of persons, then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act has entailed the death of a larger number of persons, the punishment shall be imprisonment of ten to twenty years or for life.

## § 186

*Intentional endangerment of aviation safety*

1) Any person who in a manner that can endanger the safety of an aircraft in flight

1. uses force or threatens force against a person on board the aircraft,
2. damages the aircraft being used, or
3. destroys, damages, or interferes with the operation of aviation facilities

shall, if the act is not subject to a more severe penalty under another provision, be punished with imprisonment of one to ten years.

2) Any person shall be punished likewise who

1. destroys an aircraft in use or damages it to such an extent that it is unable to fly, or
2. through a knowingly incorrect communication causes danger to the safety of an aircraft in flight.

3) If the act results in the death of a person or serious bodily harm (§ 84 paragraph 1) to a larger number of persons, then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act has entailed the death of a larger number of persons, the punishment shall be imprisonment of ten to twenty years or for life.

## § 187

*Preventing the fight against endangerment of public safety*

Any person who frustrates or obstructs any measure required to prevent a present danger to life or limb (§ 89) of a larger number of people or to another person's property on a large scale shall be punished with imprisonment of up to three years.

## Section 8

**Offences against religious peace and the peace of the dead**

## § 188

*Vilification of religious teachings*

Any person who publicly vilifies or mocks a person or object that is the subject of worship of a church or religious group in Liechtenstein, or religious doctrine, or a custom or institution permitted by law of such a church or religious group, and who does so in circumstances in which his conduct is capable of causing reasonable nuisance, shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

## § 189

*Interference with the exercise of religion*

1) Any person who by force or the threat of force obstructs or interferes with a religious service permitted by law or single such acts of religious service of a church or religious group in Liechtenstein shall be punished with imprisonment of up to two years.

2) Any person who engages in disorderly conduct capable of causing reasonable nuisance

1. in a place dedicated to the exercise of religion permitted by law of a church or religious group in Liechtenstein,
2. during a public religious service or single acts of religious service permitted by law of a church or religious group in Liechtenstein, or
3. with an object directly dedicated to religious service permitted by law of a church or religious group in Liechtenstein

shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

## § 190

*Disturbance of the peace of the dead*

1) Any person who deprives another person who has the right of disposal in respect of a corpse, parts of a corpse or the ashes of a deceased, or who removes a corpse, parts of a corpse or the ashes of a deceased from a burial site or repository site, and any person who maltreats a corpse or desecrates a corpse, the ashes of a deceased, or a burial site, repository site or memorial site for the dead shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person who removes decorations from a burial site, repository site or memorial site for the dead shall be punished with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates.

## § 191

*Disturbance of a funeral*

Any person who knowingly disturbs a funeral through noise capable of causing reasonable nuisance or through any such similar conduct shall be punished with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates.

## Section 9

**Offences against marriage, family and registered partnership<sup>286</sup>**§ 192<sup>287</sup>*Multiple marriages or registered partnerships*

Any person who enters into a new marriage or enters into a registered partnership even though such person is already married or in a registered partnership, or any person who enters into a marriage or registered partnership with another person who is

<sup>286</sup> Heading preceding § 192 amended by LGBl. 2011 no. 379.

<sup>287</sup> § 192 amended by LGBl. 2011 no. 379.



already married or in a registered partnership shall be punished with imprisonment of up to three years.

§ 193<sup>288</sup>

*Deceptive marriage and deceptive partnership*

1) Any person who, by deceiving another person about facts that would allow such other person to seek annulment of the marriage or registered partnership, causes such other person to enter into a marriage or registered partnership with him shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>289</sup>

2) The perpetrator shall be punished only if the marriage or registered partnership has been annulled as a result of the deception. The perpetrator shall also only be prosecuted upon demand of the aggrieved party.

§ 193a<sup>290</sup>

*Unlawful adoption placements*

1) Any person who effects that a person entitled to give his consent, in return for being granted a benefit to such entitled person or a third party, consents to the adoption of a minor by another person shall be punished with imprisonment of up to two years.

2) If the perpetrator acts in order to obtain a pecuniary benefit for himself or a third party, such perpetrator shall be punished with imprisonment of up to three years.

3) Adopting parents and adopted children between whom the adoption is arranged shall not be punished as participants (§ 12 of the Criminal Code).

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288 § 193 amended by LGBL 2011 no. 379.

289 § 193 paragraph 1 amended by LGBL 2019 no. 124.

290 § 193a inserted by LGBL 2009 no. 30.

## § 194

*Removal of a minor from the custody of the parent or legal guardian*

1) Any person who removes a minor from the custody of the parent or legal guardian or conceals such minor from the parent or legal guardian, or who causes or assists such minor to remove himself or hide from his parent or legal guardian shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>291</sup>

2) Any person who commits the act in relation to an under-age person shall be punished with imprisonment of up to three years.

3) Any person who commits the act in order to sexually abuse the minor or to involve the minor in sexual acts shall also be punished with imprisonment of up to three years.<sup>292</sup>

4) The perpetrator shall only be prosecuted upon application of the parent or legal guardian.<sup>293</sup>

5) Any minor who causes another person to remove the minor from the custody of his parent or legal guardian or to assist him to remove himself from such custody shall not be punished.

## § 195

*Frustration of educational measures ordered by an authority*

1) Any person who removes a minor from an educational measure ordered by an authority, or who causes or assists such minor to remove himself from such measure shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) The perpetrator shall be prosecuted only upon application of the authority which must decide on the continuation of the educational measure.

3) § 194 paragraph 5 shall apply *mutatis mutandis*.

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291 § 194 paragraph 1 amended by LGBL 2019 no. 124.

292 § 194 paragraph 3 amended by LGBL 2001 no. 16.

293 § 194 paragraph 4 amended by LGBL 2001 no. 16.

§ 196<sup>294</sup>

Repealed

## § 197

*Violation of the obligation to provide maintenance*

1) Any person who grossly violates his obligation under family law to provide maintenance and who thereby causes the maintenance or education of the person entitled to maintenance to be jeopardized or effects that the maintenance or education would be jeopardized without assistance from some other party shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates. In particular, a person also violates his duty to provide maintenance if such person fails to engage in employment that would enable him to meet his obligation.<sup>295</sup>

2) If the perpetrator is a repeat offender (§ 39) or if the act results in a state of neglect or considerable damage to the health or the physical or mental development of the person entitled to maintenance, such perpetrator shall be punished with imprisonment of up to two years; but if the act results in the death of the person entitled to maintenance, the perpetrator shall be punished with imprisonment of up to three years.

3) The perpetrator shall not be punished pursuant to paragraph 1, if, prior to the end of the hearing, the perpetrator makes a full payment of the maintenance amounts covered by the application for prosecution.<sup>296</sup>

## § 198

*Neglect of care, education or supervision*

Any person who grossly neglects the care, education or supervision of a minor, even though such care, education or supervision is incumbent upon such person under the law, and who thus causes, even if only negligently, a state of neglect of such

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<sup>294</sup> § 196 repealed by LGBL 2015 no. 111.

<sup>295</sup> § 197 paragraph 1 amended by LGBL 2019 no. 124.

<sup>296</sup> § 197 paragraph 3 inserted by LGBL 2019 no. 124.

minor shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

§ 199<sup>297</sup>

*Foisting of a child*

Any person who foists a child upon another person shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

Section 10

**Offences against sexual self-determination and other sexual offences<sup>298</sup>**

§ 200<sup>299</sup>

*Rape*

1) Any person who coerces another person with force, deprivation of personal liberty, or a threat of present danger to life or limb (§ 89) to perform or acquiesce in sexual intercourse or a sexual act equivalent to sexual intercourse shall be punished with imprisonment of one to ten years.<sup>300</sup>

2) If the act results in serious bodily harm (§ 84 paragraph 1) or pregnancy of the raped person or if, due to the act, a state of agony is inflicted on the raped person for an extended period of time or if the raped person is especially degraded, then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of the raped person, the punishment shall be imprisonment of ten to twenty years or for life.

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297 § 199 amended by LGBl. 2019 no. 124.

298 Heading preceding § 200 amended by LGBl. 2001 no. 16.

299 § 200 amended by LGBl. 2011 no. 184.

300 § 200 paragraph 1 amended by LGBl. 2019 no. 124.

§ 201<sup>301</sup>*Sexual assault*

1) Any person who, other than in the cases set out in § 200, coerces another person by force or a dangerous threat to perform or acquiesce in a sexual act shall be punished with imprisonment of six months to five years.

2) If the act results in serious bodily harm (§ 84 paragraph 1) or pregnancy of the coerced person, or if, due to the act, a state of agony is inflicted on the coerced person for an extended period of time or if the coerced person is especially degraded, then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of the coerced person, the punishment shall be imprisonment of ten to twenty years or for life.

§ 202<sup>302</sup>

Repealed

§ 203<sup>303</sup>*Sexual harassment*

1) Any person who directly or indirectly by means of information or communications technologies performs a sexual act in front of another person who does not expect such act, thereby causing a legitimate nuisance, or any person who physically or directly or indirectly by means of information or communications technologies sexually harasses another person in a gross manner by using language shall, upon application, be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person who commits sexual harassment as defined by paragraph 1 in the circumstances set out in § 212 paragraphs 1 or 2 shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

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301 § 201 amended by LGBL 2019 no. 124.

302 § 202 repealed by LGBL 2011 no. 184.

303 § 203 amended by LGBL 2019 no. 124.

3) Any person who sexually harasses an under-age person in the manner set out in paragraph 1 shall be punished with imprisonment of up to three years.

§ 204<sup>304</sup>

*Sexual abuse of a defenceless or mentally impaired person*

1) Any person who, with respect to a defenceless person or another person who, because of mental illness, a mental disability, profound consciousness disorder, or other serious psychological disorder equivalent to any of those conditions is unable to comprehend the significance of the act or to exercise his judgement in this regard, takes advantage of such condition and abuses such defenceless or other person by performing sexual intercourse or a sexual act equivalent to sexual intercourse with such defenceless or other person, or by inducing such defenceless or other person to perform or acquiesce in sexual intercourse or a sexual act equivalent to sexual intercourse with another person or, for the purpose of sexually arousing or gratifying the perpetrator or a third party, by inducing such defenceless or other person to perform a sexual act equivalent to sexual intercourse on himself, shall be punished with imprisonment of one to ten years.

2) Any person who sexually abuses a defenceless person or a mentally impaired person (paragraph 1) by taking advantage of this condition with the exception of the case referred to in paragraph 1, or induces such defenceless person or mentally impaired person to engage in a sexual act with another person or, for the purpose of sexually arousing or gratifying the perpetrator or another person, induces such defenceless or other person to perform a sexual act on himself shall be punished with imprisonment of six months to five years.

3) If the act results in serious bodily harm (§ 84 paragraph 1) or pregnancy of the abused person, or if, due to the act, a state of agony is inflicted on the abused person for an extended period of time or if the abused person is especially degraded, then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of the abused person, the punishment shall be imprisonment of ten to twenty years or for life.

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304 § 204 amended by L.GBl. 2019 no. 124.

§ 204a<sup>305</sup>*Violation of sexual self-determination*

1) Any person who performs sexual intercourse or a sexual act equivalent to sexual intercourse with another person against the other person's will, by taking advantage of a plight or after prior intimidation shall be punished with imprisonment of up to two years, unless the act carries a more severe penalty under a different provision.

2) Any person shall be punished likewise who, in the manner described in paragraph 1, causes another person to perform or acquiesce in sexual intercourse or a sexual act equivalent to sexual intercourse with another person or, for the purpose of sexually arousing or gratifying the perpetrator or a third party, causes such other person to perform a sexual act equivalent to sexual intercourse on himself involuntarily.

§ 205<sup>306</sup>*Aggravated sexual abuse of under-age persons*

1) Any person who engages in sexual intercourse or a sexual act equivalent to sexual intercourse with an under-age person shall be punished with imprisonment of one to ten years.

2) Any person shall be punished likewise who induces an under-age person to perform or acquiesce in sexual intercourse or a sexual act equivalent to sexual intercourse with another person or, for the purpose of sexually arousing or gratifying the perpetrator or a third party, induces such under-age person to perform a sexual act equivalent to sexual intercourse on himself.

3) If the act results in serious bodily harm (§ 84 paragraph 1) or pregnancy of the under-age person, or if, due to the act, a state of agony is inflicted on the under-age person for an extended period of time or if the under-age person is especially degraded, then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of the under-age person,

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305 § 204a inserted by LGBL 2019 no. 124.

306 § 205 amended by LGBL 2001 no. 16.

the punishment shall be imprisonment of ten to twenty years or for life.<sup>307</sup>

4) If the age of the perpetrator exceeds the age of the under-age person by not more than three years and if, due to the act, a state of agony is not inflicted on the under-age person for an extended period of time and if the under-age person is not especially degraded and if the act results neither in serious bodily harm (§ 84 paragraph 1) nor in the death of the under-age person, then the perpetrator shall not be punished pursuant to paragraphs 1 and 2, except in the event that the under-age person has not yet attained the age of twelve.<sup>308</sup>

§ 206<sup>309</sup>

*Sexual abuse of under-age persons*

1) Any person who, other than in the case set out in § 205, performs a sexual act on an under-age person or has an under-age person perform a sexual act on himself shall be punished with imprisonment of six months to five years.

2) Any person shall be punished likewise who induces an under-age person to engage in a sexual act (paragraph 1) with another person or, for the purpose of sexually arousing or gratifying the perpetrator or a third party, induces such under-age person to perform a sexual act on himself.

3) If the act results in serious bodily harm (§ 84 paragraph 1), or if, due to the act, a state of agony is inflicted on the under-age person for an extended period of time or if the under-age person is especially degraded, then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of the under-age person, the punishment shall be imprisonment of ten to twenty years or for life.<sup>310</sup>

4) If the age of the perpetrator exceeds the age of the under-age person by not more than three years and if, due to the act, a state of agony is not inflicted on the under-age person for an extended period of time and if the under-age person is not especially

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307 § 205 paragraph 3 amended by LGBl. 2019 no. 124.

308 § 205 paragraph 4 amended by LGBl. 2019 no. 124.

309 § 206 amended by LGBl. 2001 no. 16.

310 § 206 paragraph 3 amended by LGBl. 2019 no. 124.



degraded and if the act results neither in serious bodily harm (§ 84 paragraph 1) nor in the death of the under-age person, then the perpetrator shall not be punished pursuant to paragraphs 1 and 2, except in the event that the under-age person has not yet attained the age of twelve.<sup>311</sup>

§ 207

*Endangerment of the morals of under-age persons or adolescents*<sup>312</sup>

1) Any person who commits an act capable of jeopardizing the moral, psychological or health development of under-age persons or adolescents and does so in a direct or indirect manner by means of information or communications technologies in front of an under-age person or an adolescent that such person is raising, educating or supervising, for the purpose of sexually arousing or gratifying the perpetrator or a third party, shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates, unless any endangerment of the under-age person or adolescent is ruled out in the circumstances of the case.<sup>313</sup>

2) If the act results in serious bodily harm (§ 84 paragraph 1), the perpetrator shall be punished with imprisonment of up to three years.<sup>314</sup>

3) If the age of the perpetrator in case no. 1 of paragraph 1 exceeds the age of the under-age person by not more than three years, the perpetrator shall not be punished pursuant to case no. 1 of paragraph 1, except in the event that the under-age person has not yet attained the age of twelve.<sup>315</sup>

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311 § 206 paragraph 4 amended by LGBL 2019 no. 124.

312 § 207 subject heading amended by LGBL 2001 no. 16.

313 § 207 paragraph 1 amended by LGBL 2019 no. 124.

314 § 207 paragraph 2 amended by LGBL 2001 no. 16.

315 § 207 paragraph 3 inserted by LGBL 2019 no. 124.

§ 208<sup>316</sup>*Sexual abuse of minors*

1) Any person who, after reaching the age of eighteen, sexually abuses another person who has not yet reached the age of sixteen, or induces such other person to engage in a sexual act with a third person or, for the purpose of sexually arousing or gratifying the perpetrator or a third party, induces such other person to perform a sexual act on himself

1. by taking advantage of such other person's lack of capacity for sexual self-determination, or
2. by taking advantage of a predicament

shall be punished with imprisonment of up to three years.

2) Any person shall be punished likewise who, in return for a valuable consideration, sexually abuses another person who has not yet reached the age of eighteen or induces such other person to engage in a sexual act with a third person or, for the purpose of sexually arousing or gratifying the perpetrator or a third party, induces such other person to perform a sexual act on himself.

3) If the sexual abuse in the cases set out in paragraphs 1 or 2 consists in sexual intercourse or in a sexual act equivalent to sexual intercourse, the perpetrator shall be punished with imprisonment of six months to five years.<sup>317</sup>

4) If the act referred to in paragraphs 1, 2 or 3 results in serious bodily harm (§ 84 paragraph 1), then the perpetrator shall be punished with imprisonment of one to ten years.<sup>318</sup>

§ 209<sup>319</sup>*Initiation of sexual contacts with under-age persons*

1) Any person who, by means of information or communications technologies or in any other manner by deceiving about their intention, suggests or arranges the personal proximity or a face-to-face meeting with an under-age person with the intent

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<sup>316</sup> § 208 amended by LGBl. 2011 no. 184.

<sup>317</sup> § 208 paragraph 3 amended by LGBl. 2019 no. 124.

<sup>318</sup> § 208 paragraph 4 inserted by LGBl. 2019 no. 124.

<sup>319</sup> § 209 amended by LGBl. 2011 no. 184.

to commit an offence set out in § 200, § 201, § 204, § 205, § 206 or § 219 paragraph 1 sub-paragraph 1 against such under-age person, shall be punished with imprisonment of up to three years, if a preparatory act with regard to a meeting of this kind has already been performed.

2) Any person who, by means of information or communications technologies, establishes contact with an under-age person with the purpose of committing an offence set out in § 219 paragraph 1 sub-paragraph 2 or paragraph 4 in respect of a pornographic depiction (§ 219 paragraph 5) of such under-age person shall be punished with imprisonment of up to one year or a monetary penalty of up to 720 daily rates.

3) No person shall be punished pursuant to paragraphs 1 and 2, if the person voluntarily and before the agency (§ 151 paragraph 3) has learned of his culpability abandons his plan and discloses his culpability to the agency.

§ 209a<sup>320</sup>

*Immoral influence on under-age persons*

1) Any person who causes an under-age person for sexual reasons to be witness to a sexual act shall be punished with imprisonment of up to three years.

2) If the age of the of the perpetrator exceeds the age of the under-age person by not more than three years and if the sexual acts are no offences as defined by § 200, § 201, § 204 to § 206 or § 208, then the perpetrator shall not be punished pursuant to paragraph 1, except in the event that the under-age person has not yet attained the age of twelve.<sup>321</sup>

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<sup>320</sup> § 209a inserted by LGBl. 2011 no. 184.

<sup>321</sup> § 209a paragraph 2 inserted by LGBl. 2019 no. 124.

§ 210<sup>322</sup>*Offering for prostitution*

1) Any person who offers himself/herself for prostitution shall be punished with imprisonment of up to six months or with a monetary penalty of up to 720 daily rates.<sup>323</sup>

2) Offering within the meaning of paragraph 1 shall include any conduct which is aimed at establishing relations for the exercise of prostitution in a manner capable of causing reasonable public nuisance.

§ 211<sup>324</sup>*Incest*

1) Any person who engages in sexual intercourse or in a sexual act equivalent to sexual intercourse with another person related in direct line shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>325</sup>

2) Any person who seduces another person related in the descending line to engage in sexual intercourse or in a sexual act equivalent to sexual intercourse shall be punished with imprisonment of up to three years.

3) Any person who engages in sexual intercourse or in a sexual act equivalent to sexual intercourse with his brother or sister shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.<sup>326</sup>

4) Any person who, when the act is committed, has not yet reached the age of eighteen shall not be punished for incest, if such person has been seduced to commit the act.

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322 § 210 amended by LGBl. 2001 no. 16.

323 § 210 paragraph 1 amended by LGBl. 2019 no. 124.

324 § 211 amended by LGBl. 2001 no. 16.

325 § 211 paragraph 1 amended by LGBl. 2019 no. 124.

326 § 211 paragraph 3 amended by LGBl. 2019 no. 124.

§ 212<sup>327</sup>*Abuse of a relationship of authority*

1) Any person who, with respect to another person who is a minor with whom the person is related in a descending line, with respect to his minor adopted child, stepchild, or ward, and any person who, by taking advantage of his position vis-à-vis a minor person that he is raising, educating, or supervising, sexually abuses such other person or such minor person or induces such other person or such minor person to perform a sexual act with another person, or, for the purpose of sexually arousing or gratifying the perpetrator or a third party, induces such other person or such minor person to perform a sexual act on himself shall be punished with imprisonment of up to three years.<sup>328</sup>

2) Any person shall be punished likewise who<sup>329</sup>

1. as a physician, as a member of a legally regulated health profession or a pastor, with respect to a person in their professional care,
2. as an employee of an educational facility or otherwise as a person working in an educational facility, with respect to another person under the care of the facility,
3. as an official, with respect to another person who has been entrusted to his official custody, or
4. with respect to another person who has been entrusted to him due to mental or psychological illness or disability, including addiction, for purposes of counselling, treatment, or care, or
5. with respect to another person who is similarly dependent on him due to a plight, a work relationship, or in a similar manner,

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327 § 212 amended by LGBL 2001 no. 16.

328 § 212 paragraph 1 amended by LGBL 2019 no. 124.

329 § 212 paragraph 2 amended by LGBL 2019 no. 124.

by taking advantage of his position vis-à-vis such other person, either sexually abuses such other person or induces such other person to perform a sexual act with another person, or, for the purpose of sexually arousing or gratifying the perpetrator or a third party, induces such other person to perform a sexual act on himself.

3) If the act results in serious bodily harm (§ 84 paragraph 1), then the perpetrator shall be punished with imprisonment of six months to five years.

### § 213

#### *Procuration*

1) Any person who, with respect to another person vis-à-vis whom he has any of the relationships referred to in § 212 and subject to the conditions set out therein, induces such other person to engage in sexual acts with a third person or brings about the personal proximity of an under-age person with another person for the purpose of performing a sexual act shall be punished with imprisonment of up to three years.<sup>330</sup>

2) If the perpetrator acts in order to obtain a pecuniary benefit for himself or another person, then he shall be punished with imprisonment of six months to five years.

### § 214<sup>331</sup>

#### *Arrangement of sexual contacts with minors in return for a valuable consideration*

1) Any person who brings about the personal proximity of an under-age person with a third person for the purpose of performing a sexual act, in order to obtain a pecuniary benefit for himself or another person, shall be punished with imprisonment of six months to five years.

2) Any person who, other than in the case set out in paragraph 1, brings about the personal proximity of a minor person with a third person for the purpose of performing a sexual act, in order to

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330 § 213 paragraph 1 amended by LGBL 2019 no. 124.

331 § 214 amended by LGBL 2019 no. 124.

obtain a pecuniary benefit for himself or another person, shall be punished with imprisonment of six months to two years.

§ 215

*Leading to prostitution*<sup>332</sup>

- 1) Any person who leads another person to prostitution shall be punished with imprisonment of up to two years.<sup>333</sup>
- 2) Repealed<sup>334</sup>

§ 215a<sup>335</sup>

*Promotion of prostitution and pornographic performances of minors*

- 1) Any person who recruits a minor person, even if such minor person already engages in prostitution, to engage in prostitution or to participate in a pornographic performance or offers or arranges such minor person to or for a third person for that purpose, shall be punished with imprisonment of six months to five years. Any person shall be punished likewise who exploits a minor person in this connection in order to obtain a pecuniary benefit for himself or another person, where such minor person engages in prostitution or participates in a pornographic performance.<sup>336</sup>
- 2) Any person who commits the act as part of a criminal group, with use of severe force or in such a manner that the life of the person is intentionally or grossly negligently (§ 6 paragraph 3) endangered by the act or that the act results in a particularly severe disadvantage for the person, shall be punished with imprisonment of six months to five years. Any person who commits an act of this kind against an under-age person shall be punished with imprisonment of one to ten years.<sup>337</sup>
- 3) Any person shall be deemed to participate in a pornographic performance who performs a sexual act on himself, on another

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332 § 215 subject heading amended by LGBL 2011 no. 184.

333 § 215 paragraph 1 amended by LGBL 2001 no. 16.

334 § 215 paragraph 2 repealed by LGBL 2011 no. 184.

335 § 215a inserted by LGBL 2011 no. 184.

336 § 215a paragraph 1 amended by LGBL 2019 no. 124.

337 § 215a paragraph 2 amended by LGBL 2019 no. 124.

person, or on an animal, where that act is reduced to the act itself, separated from other expressions of life, and serves to sexually arouse a spectator, or who has such an act performed on himself, or in that manner displays his or her genitalia or pubic region.

4) Any person who knowingly attends a pornographic performance in which minors participate shall be punished with imprisonment of up to three years.

#### § 216

#### *Pimping*<sup>338</sup>

1) Any person who, with the intent to obtain regular income from the prostitution of another person, takes advantage of such other person shall be punished with imprisonment of up to two years.<sup>339</sup>

2) Any person who, with the intent to obtain regular income from the prostitution of another person, exploits or intimidates such other person or dictates to such other person the conditions of the exercise of prostitution or takes advantage of several such other persons at the same time shall be punished with imprisonment of up to three years.<sup>340</sup>

3) Any person who prevents another person from renouncing prostitution through intimidation shall likewise be punished with imprisonment of six months to five years.<sup>341</sup>

4) Any person who commits an act carrying a penalty pursuant to paragraphs 1 or 2 as a member of a criminal group shall be punished with imprisonment of six months to five years.<sup>342</sup>

5) The perpetrator shall be punished with imprisonment of six months to five years if the person taken advantage of has not yet reached the age of eighteen.<sup>343</sup>

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338 § 216 subject heading amended by LGBL 2001 no. 16.

339 § 216 paragraph 1 amended by LGBL 2019 no. 124.

340 § 216 paragraph 2 amended by LGBL 2001 no. 16.

341 § 216 paragraph 3 amended by LGBL 2019 no. 124.

342 § 216 paragraph 4 amended by LGBL 2019 no. 124.

343 § 216 paragraph 5 amended by LGBL 2001 no. 16.



## § 217

*Cross-border trafficking in prostitution*<sup>344</sup>

1) Any person who, even if the person concerned already engages in prostitution, arranges or recruits another person to engage in prostitution in a state other than such other person's state of citizenship or habitual abode shall be punished with imprisonment of six months to five years, but if such person commits the act on a commercial basis, the punishment shall be imprisonment of one to ten years.<sup>345</sup>

2) Any person who, with the intent to have another person (paragraph 1) engage in prostitution in a state other than such other person's state of citizenship or habitual abode, induces such other person through deception regarding this plan or coerces such other person by force or a dangerous threat to go to another state, or, by force or by taking advantage of such other person's mistake with regard to this plan, transports such other person to another state, shall be punished with imprisonment of one to ten years.<sup>346</sup>

§ 218<sup>347</sup>*Exhibitionism*

Any person who performs a sexual act in public and in circumstances in which his conduct is capable of causing reasonable nuisance because the direct perception of such conduct is possible shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

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<sup>344</sup> § 217 subject heading amended by LGBL 2007 no. 186.

<sup>345</sup> § 217 paragraph 1 amended by LGBL 2001 no. 16.

<sup>346</sup> § 217 paragraph 2 amended by LGBL 2001 no. 16.

<sup>347</sup> § 218 amended by LGBL 2001 no. 16.

## § 218a

*Pornography*<sup>348</sup>

1) Any person who offers, displays, passes on, otherwise makes accessible or disseminates on the radio, on television or via other electronic media pornographic written materials, audio or video recordings, images, other objects of this kind or pornographic presentations of another person that has not yet reached the age of sixteen shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.<sup>349</sup>

2) Any person who publicly exhibits or shows objects or presentations within the meaning of paragraph 1 or otherwise offers them to another person without having been asked to do so shall be punished with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates. Any person who in advance draws the attention of visitors to indoor exhibitions or indoor presentations to the pornographic character thereof shall not be punished.<sup>350</sup>

3) Any person who produces, imports, stores, brings into circulation, advertises, exhibits, offers, displays, passes on or makes accessible objects or presentations within the meaning of paragraph 1 the content of which includes sexual acts with animals, human excreta or violent acts shall be punished with imprisonment of up to two years.<sup>351</sup>

4) Any person who procures or possesses objects or presentations within the meaning of paragraph 1 the content of which includes violent acts shall be punished with imprisonment of up to one year.<sup>352</sup>

5) Any person who commits the acts set out in paragraphs 1 to 3 on a commercial basis or as the member of a criminal group shall be punished with imprisonment of up to three years.<sup>353</sup>

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348 § 218a subject heading amended by LGBl. 2001 no. 16.

349 § 218a paragraph 1 amended by LGBl. 2001 no. 16.

350 § 218a paragraph 2 amended by LGBl. 2001 no. 16.

351 § 218a paragraph 3 amended by LGBl. 2011 no. 184.

352 § 218a paragraph 4 amended by LGBl. 2011 no. 184.

353 § 218a paragraph 5 amended by LGBl. 2007 no. 186.

6) Objects or presentations for the purpose of this provision shall not be deemed pornographic if they have a cultural or scientific value worthy of protection.<sup>354</sup>

§ 219<sup>355</sup>

*Pornographic depictions of minors*

1) Any person who

1. produces, or
  2. offers, procures, passes on, presents, or makes accessible in any other manner to another person,
- a pornographic depiction of a minor (paragraph 5) shall be punished with imprisonment of up to three years.<sup>356</sup>

2) Any person who produces, imports, transports, or exports a pornographic depiction of a minor (paragraph 5) for the purpose of dissemination or who commits an act referred to in paragraph 1 on a commercial basis shall be punished with imprisonment of six months to five years.<sup>357</sup>

3) Any person who commits the act as a member of a criminal group or in such a manner that it results in a particularly severe disadvantage to the minor shall be punished with imprisonment of one to ten years; any person shall be punished likewise who produces a pornographic depiction of a minor (paragraph 5) with use of severe force or who intentionally or grossly negligently (§ 6 paragraph 3) endangers the life of the depicted minor when producing the pornographic depiction.<sup>358</sup>

4) Any person who<sup>359</sup>

1. procures for himself a pornographic depiction of a minor (paragraph 5) or possesses any such depiction, or
2. by means of information or communications technologies knowingly accesses a pornographic depiction of minors

354 § 218a paragraph 6 amended by LGBl. 2011 no. 184.

355 § 219 amended by LGBl. 2011 no. 184.

356 § 219 paragraph 1 amended by LGBl. 2019 no. 124.

357 § 219 paragraph 2 amended by LGBl. 2019 no. 124.

358 § 219 paragraph 3 amended by LGBl. 2019 no. 124.

359 § 219 paragraph 4 amended by LGBl. 2019 no. 124.

shall be punished with imprisonment of up to two years.

5) The following shall be deemed pornographic depictions of minors:

1. images or pictorial representations of a sexual act on a minor or of a minor on himself, on another person, or with an animal,
2. images or pictorial representations of the genitalia or the pubic region of minors, to the extent they are images reduced to the image itself and separated from other expressions of life, serving to sexually arouse the spectator.

6) Any person who produces or possesses a pornographic depiction of an adolescent with the adolescent's consent and for the adolescent's or the person's own use shall not be punished in accordance with paragraph 1(1) and paragraph 4(1).<sup>360</sup>

6a) In addition, there shall be no punishment for any person who<sup>361</sup>

1. in the cases set out in paragraphs 1, 2 and 4(1) produces, possesses, or offers to others for their own use, procures, passes on, presents or otherwise makes accessible a pornographic depiction of himself/herself as an adolescent, or
2. possesses a pornographic depiction of himself/herself as an under-age person.

7) Objects or presentations for the purpose of this provision shall not be deemed pornographic if they have a cultural or scientific value worthy of protection.

#### § 220<sup>362</sup>

##### *Prohibition from engaging in a particular occupation*

1) If the perpetrator has committed an offence against the sexual self-determination or another sexual offence against a minor and if, at the time of committing the offence, the perpetrator was engaged in or intended to engage in employment or in another occupation in an association or in another institution that includes the education, training or supervision of minors or other intensive

360 § 219 paragraph 6 amended by LGBl. 2019 no. 124.

361 § 219 paragraph 6a inserted by LGBl. 2019 no. 124.

362 § 220 amended by LGBl. 2011 no. 184.

contacts with minors, a prohibition ordering the perpetrator not to engage in these and similar occupations shall be imposed for a minimum period of one year and a maximum period of five years, if there is a risk that the perpetrator will commit another offence of this kind with not merely minor consequences by taking advantage of the opportunities afforded by any such occupation.<sup>363</sup>

2) The prohibition from engaging in a particular occupation shall be imposed for an indefinite period of time if there is a risk that the perpetrator during the exercise of the occupation will commit offences of the nature set out in paragraph 1 involving serious consequences, or if the perpetrator has committed an offence of the kind set out in paragraph 1 by taking advantage of the opportunities afforded by any such occupation even though a criminal court had prohibited the perpetrator from engaging in the occupation when the offence was committed.

3) The court must lift the prohibition from engaging in a particular occupation if circumstances subsequently arise or become known that would not have led to a prohibition from engaging in a particular occupation if they had existed at the time of the judgement.

4) In the event that a prohibition from engaging in a particular occupation has been imposed for an indefinite period of time, the court must review at least every two years whether the requirements set out in paragraph 2 apply.

5) The duration of the prohibition from engaging in a particular occupation shall begin when the decision in which the prohibition was pronounced becomes final. Any time spent by the perpetrator in detention pursuant to official orders shall not be counted toward this period.

6) Any person who engages in an occupation and knows that he is prohibited from exercising the occupation under the preceding provisions shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

§ 221<sup>364</sup>

Repealed

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<sup>363</sup> § 220 paragraph 1 amended by LGBl. 2019 no. 124.

<sup>364</sup> § 221 repealed by LGBl. 2001 no. 16.

Section 11  
**Animal cruelty**

§ 222<sup>365</sup>

*Animal cruelty*

Repealed

Section 12  
**Offences against the reliability of documents and  
evidence marks**

§ 223

*Forgery of documents*

1) Any person who creates a forged document or who falsifies an authentic document, with the intent to use it in legal transactions to prove a right, a legal relationship or a fact, shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>366</sup>

2) Any person shall be punished likewise who uses a forged or falsified document in legal transactions to prove a right, a legal relationship or a fact.

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<sup>365</sup> § 222 repealed by LGBl. 2005 no. 216.

<sup>366</sup> § 223 paragraph 1 amended by LGBl. 2019 no. 124.

## § 224

*Forgery of specially protected documents*

Any person who commits any of the acts carrying a penalty pursuant to § 223 with respect to a domestic public document, a foreign public document, if such foreign public document is considered equivalent by law or intergovernmental treaty to domestic public documents, a testamentary disposition, or a security not mentioned in § 237 shall be punished with imprisonment of up to two years.

§ 224a<sup>367</sup>*Accepting, passing on or possessing false or falsified documents which are specially protected*

Any person who accepts from another person, procures for himself or another person, transports, passes on to another person or otherwise possesses a false or falsified document which is especially protected (§ 224) and does so with the intent that such document be used in legal transactions to prove a right, a legal relationship or a fact shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

## § 225

*Forgery of public certification marks*

1) Any person who forges or falsifies a public certification mark on an object, wrongly attributes an object to a public certification mark, or significantly changes the object to which such mark has been attached and does so with the intent that the object be used in legal transactions shall be punished with imprisonment of up to two years.

2) Any person shall be punished likewise who, in legal transactions, uses an object to which a forged or falsified public certification mark has been attached, or an object wrongly

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367 § 224a inserted by L.GBl. 2019 no. 124.

attributed to a public certification mark, or an object that has been substantially changed following the attachment of such a mark.

3) A public certification mark shall include any mark that has been attached by an official within the limits set by his official powers or by a person vested with public faith within the official duties assigned to such person, to an object in the required form in order to confirm a fact that relates to such object.

§ 225a<sup>368</sup>

*Forgery of data*

Any person who produces false data by entering, changing, deleting or suppressing data, or falsifies genuine data with the intent that the data be used in legal transactions to prove a right, a legal relationship or a fact shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

§ 226

*Active repentance*

1) No person shall be punished in accordance with § 223 to § 225a if such person voluntarily and before the forged or falsified document, the object to which the forged or falsified public certification mark has been attached, the object wrongly attributed to a public certification mark, or the object substantially changed following the attachment of any such mark, or the forged or falsified data has been used in legal transactions, eliminates any risk that the document, object or data be used in any of the manners set out in §§ 223 to 225a by destroying the document, certification mark, or data or eliminates such risk in any other manner.<sup>369</sup>

2) If there is no risk of any such use or if that risk has been eliminated without any participation by the perpetrator, the perpetrator shall not be punished if, not having any knowledge thereof, he voluntarily and earnestly endeavours to eliminate such risk.

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<sup>368</sup> § 225a amended by LGBL 2019 no. 124.

<sup>369</sup> § 226 paragraph 1 amended by LGBL 2009 no. 228.



## § 227

*Preparation of the forgery of public documents or certification marks*

1) Any person who, with the intent to enable himself or another person to forge a domestic public document or a foreign public document if such document is treated equivalently to domestic public documents by law or intergovernmental treaty, (§ 224) or to forge public certification marks (§ 225), produces, procures for himself or another person, offers or passes on to another person any instrument or tool which because of its particular nature is clearly intended for any such purpose shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>370</sup>

2) No person shall be punished in accordance with paragraph 1 if such person voluntarily and before the instrument or tool has been used to commit any of the offences set out therein eliminates any risk of any such use by destroying such instrument or tool or otherwise. § 226 paragraph 2 shall apply *mutatis mutandis*.

## § 228

*Indirect false authentication or certification*

1) Any person who effects that a right, a legal relationship or a fact is authenticated falsely but in good faith in a domestic public document or who effects that a forged public certification mark is attached to an object in good faith, shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates, if such person acts with the intent that the document be used in legal transactions to prove the right, the legal relationship or the fact or that the object be used in legal transactions.<sup>371</sup>

2) Any person shall be punished likewise who uses a forged domestic public document prepared in good faith, the forgery of which was intentionally effected by such person or a third party, in legal transactions to prove the right, the legal relationship or the fact, or any person shall be punished likewise who in legal transactions uses an object to which a false public certification

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370 § 227 paragraph 1 amended by LGBL 2019 no. 124.

371 § 228 paragraph 1 amended by LGBL 2019 no. 124.

mark has been attached in good faith, the false attachment of which was intentionally effected by such person or a third party.

3) § 226 shall apply mutatis mutandis.

#### § 229

##### *Suppression of documents*

1) Any person who destroys, damages or suppresses a document which is not at such person's disposal or is not at such person's sole disposal shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates, if such person acts with the intent to prevent the use of the document in legal transactions to prove a right, a legal relationship or a fact.<sup>372</sup>

2) No person shall be punished in accordance with paragraph 1 if such person voluntarily undoes the suppression of the document before it is intended to be used in legal transactions or if such person otherwise effects that the act does not obstruct the evidence which the document was intended to serve.

#### § 230

##### *Relocation of border markers*

1) Any person who misplaces, moves, removes or renders unrecognizable a border marker or a water level marker and does so with the intent to create or suppress evidence for a fact of legal significance shall be punished with imprisonment of up to two years.

2) No person shall be punished in accordance with paragraph 1 if such person voluntarily corrects or restores the marker before the marker was intended to be or was used as evidence, or if such person in any other manner effects that the act does not obstruct the evidence which the marker was intended to serve.

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<sup>372</sup> § 229 paragraph 1 amended by L.GBl. 2019 no. 124.

## § 231

*Use of identification documents of another person*

1) Any person who in legal transactions uses an official identification document issued to another person as if such document had been issued to him shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person shall be punished likewise who passes on an official identification document to another person and does so with the intent that the official identification document be used by an unauthorized person in legal transactions as if such document had been issued to such unauthorized person.

3) No person shall be punished in accordance with paragraph 2 if such person voluntarily withdraws the identification document before it has been used in legal transactions by an unauthorised person or if such person otherwise eliminates any risk that such official identification document be used in any manner set out in paragraph 2.

## Section 13

**Offences against the security of transactions with money, securities, stamps and non-cash means of payment<sup>373</sup>**

## § 232

*Counterfeiting money*

1) Any person who counterfeits or falsifies money with the intent to introduce it into circulation as authentic and unfalsified shall be punished with imprisonment of one to ten years.

2) Any person shall be punished likewise who accepts such counterfeit or falsified money with the consent of a participant (§ 12) in the counterfeiting or an intermediary with the intent to introduce it into circulation as authentic and unfalsified.

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<sup>373</sup> Heading preceding § 232 amended by LGBl. 2019 no. 124.

§ 233<sup>374</sup>*Passing on and possessing counterfeit or falsified money*

1) Any person who

1. imports, exports, transports, accepts from another person except in the case mentioned in § 232 paragraph 2, otherwise procures for himself or possesses any counterfeit or falsified money with the intent that it be passed off as authentic and unfalsified, or
2. passes off any counterfeit or falsified money as authentic and unfalsified

shall be punished with imprisonment of up to five years.

2) Any person who commits the act in relation to counterfeit or falsified money in a nominal amount exceeding 300,000 francs shall be punished with imprisonment of one to ten years.

## § 234

*Reducing coins and passing on reduced coins*

1) Any person who reduces a coin with the intent that it be passed off as full-value shall be punished with imprisonment of six months to five years.

2) Any person who<sup>375</sup>

1. with the intent that it be passed off as full-value, accepts a reduced coin from another person or otherwise obtains a reduced coin, or
2. passes off a reduced coin as full-value

shall be punished with imprisonment of up to three years. Any person who commits the act in relation to reduced coins the nominal amount of which exceeds 300,000 francs shall be punished with imprisonment of six months to five years.

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<sup>374</sup> § 233 amended by LGBl. 2019 no. 124.

<sup>375</sup> § 234 paragraph 2 amended by LGBl. 2019 no. 124.

§ 235<sup>376</sup>*Appropriation or concealment of or trading in coin scrap*

Any person who purchases, takes as a pledge or otherwise appropriates, conceals or trades in metal obtained by another from the reducing of coins (§ 234 paragraph 1) shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

## § 236

*Passing on counterfeit money or reduced coins*

1) Any person who passes on counterfeit or falsified money or a reduced coin as authentic, unfalsified or full-value shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates, if such person or another person acting for such person accepted the money or the coin as authentic, unfalsified or full-value in good faith without becoming liable for a criminal offence as a result thereof.<sup>377</sup>

2) Any person shall be punished likewise who commits any of the acts set out in paragraph 1 for another person who has accepted the money or the coin as authentic, unfalsified or full-value in good faith without becoming liable for a criminal offence as a result thereof.

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<sup>376</sup> § 235 amended by LGBl. 2019 no. 124.

<sup>377</sup> § 236 paragraph 1 amended by LGBl. 2019 no. 124.

## § 237

*Forgery of specially protected securities*

Any person shall also be punished in accordance with § 232, § 233 or § 236, if such person commits any of the offences set out therein in relation to state notes or banknotes that are not legal tender, bonds, partial debentures, shares and other share certificates, interest certificates, participation certificates, profit share certificates or renewal certificates, provided that these securities are bearer securities.

## § 238

*Forgery of stamps*

1) Any person who counterfeits or falsifies an official stamp with the intent that it be used as authentic and unfalsified shall be punished with imprisonment of up to three years.

2) Any person who

1. accepts from another person or in any other manner obtains any such counterfeit or falsified stamp with the intent that it be used as authentic and unfalsified, or
2. uses any such counterfeit or falsified stamp as authentic and unfalsified

shall be punished with imprisonment of up to two years.

3) Official stamps shall also include imprints of official stamps that acknowledge the payment of a fee or any other duty.

4) The reuse of a previously used official stamp shall not be punishable by the courts.

## § 239

*Preparation of counterfeiting of money, of forgery of securities or stamps*

Any person who, with the intent to enable himself or another person to commit any of the acts carrying a penalty pursuant to § 232, § 234, § 237 or § 238, produces, procures for himself or another person, offers or passes on to another person any instrument or tool which because of its particular nature is clearly

intended for any such purpose shall be punished with imprisonment of up to two years.

§ 240

*Active repentance*

1) No person shall be punished for an act carrying a penalty pursuant to § 232 to § 234 and § 237 to § 239 if such person voluntarily

1. discontinues his acts described therein prior to their completion,
2. destroys the counterfeit or falsified money, securities or stamps of this kind or the reduced coins as well as any instruments used for counterfeiting or forgery purposes (§ 239) or hands them over to the authorities (§ 151 paragraph 3) to the extent that such person still possesses these objects, and
3. by reporting information to such authorities or otherwise eliminates any risk that, because of such person's acts, or the acts of any other participants in the enterprise, any counterfeit or falsified money or any security of this kind be put into circulation or passed off as authentic and unfalsified or that any reduced coin be put into circulation or passed off as full-value, or that any counterfeit or falsified stamp be used as authentic and unfalsified, so long as no attempt has yet been made to bring about any of these results.

2) The perpetrator shall not be punished either if any of the risks set out in paragraph 1 do not exist or are eliminated without the perpetrator's participation, and if such perpetrator, having no knowledge thereof, voluntarily and earnestly endeavours to eliminate such risks.

§ 241

*Foreign money, securities and stamps*

The provisions in the present section shall also apply to foreign money, securities and stamps.

§ 241a<sup>378</sup>*Forgery of non-cash means of payment*

1) Any person who produces a false non-cash means of payment or falsifies a genuine non-cash means of payment with the intent that it be used in legal transactions as if it were a genuine non-cash means of payment shall be punished with imprisonment of up to three years.

2) Any person who commits the act on a commercial basis or as a member of a criminal group shall be punished with imprisonment of six months to five years.

§ 241b<sup>379</sup>*Accepting, passing on or possessing false or falsified non-cash means of payment*

Any person who accepts from another person, procures for himself or another person, transports, passes on to another person or otherwise possesses a false or falsified non-cash means of payment with the intent that it be used in legal transactions as if it were a genuine non-cash means of payment shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

§ 241c<sup>380</sup>*Preparation of the forgery of non-cash means of payment*

Any person who, acting with the intent to enable himself or another person to forge a non-cash means of payment, produces, accepts from another, procures for himself or another, passes on to another or otherwise possesses any instrument or tool which because of its particular nature is evidently intended for any such purpose shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

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378 § 241a inserted by LGBl. 2019 no. 124.

379 § 241b inserted by LGBl. 2019 no. 124.

380 § 241c inserted by LGBl. 2019 no. 124.



§ 241d<sup>381</sup>*Active repentance*

1) No person shall be punished for any of the acts punishable pursuant to § 241a to § 241c, if the person voluntarily and before the forged or falsified non-cash means of payment has been used in legal transactions, by way of destroying the non-cash means of payment, or, before the instrument or tool has been used to forge a non-cash means of payment, by way of destroying the instrument or tool, or in any other manner eliminates the risk of any such use.

2) If there is no risk of any such use or if that risk has been eliminated without any participation by the perpetrator, then such perpetrator shall not be punished if, not having any knowledge thereof, he voluntarily and earnestly endeavours to eliminate such risk.

§ 241e<sup>382</sup>*Removal of non-cash means of payment*

1) Any person who procures for himself a non-cash means of payment that such person may not use or may not use alone, with the intent to unjustly enrich himself or a third party through its use in legal transactions shall be punished with imprisonment of up to two years. Any person shall be punished likewise who procures for himself a non-cash means of payment that such person may not use or may not use alone with the intent to enable himself or another person to forge a non-cash means of payment (§ 241a).

2) Any person who commits the act on a commercial basis or as a member of a criminal group shall be punished with imprisonment of six months to five years.

3) Any person who, with the intent to prevent its use in legal transactions, destroys, damages or suppresses a non-cash means of payment that such person may not use or may not use alone shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

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381 § 241d inserted by LGBl. 2019 no. 124.

382 § 241e inserted by LGBl. 2019 no. 124.

§ 241f<sup>383</sup>*Accepting, passing on or possessing removed non-cash means of payment*

Any person who accepts from another person, procures for himself or another person, transports, passes on to another person or otherwise possesses a removed non-cash means of payment and does so with the intent to unjustly enrich himself or a third party through its use or with the intent to enable himself or another person to forge a non-cash means of payment (§ 241a) shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

§ 241g<sup>384</sup>*Active repentance*

1) No person shall be punished pursuant to § 241e and § 241f, if the person voluntarily and before the removed non-cash means of payment has been used in legal transactions or to forge a non-cash means of payment, by way of handing over to the agency (§ 151 paragraph 3) or in any other manner eliminates the risk of any such use.

2) If there is no risk of any such use or if that risk has been eliminated without any participation by the perpetrator, then such perpetrator shall not be punished if, not having any knowledge thereof, he voluntarily and earnestly endeavours to eliminate such risk.

§ 241h<sup>385</sup>*Spying out the data of a non-cash means of payment*

1) Any person who spies out the data of a non-cash means of payment with the intent that

1. he or any third party be unjustly enriched through their use in legal transactions, or

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383 § 241f inserted by LGBl. 2019 no. 124.

384 § 241g inserted by LGBl. 2019 no. 124.

385 § 241h inserted by LGBl. 2019 no. 124.

2. he or any other be enabled to forge non-cash means of payment (§ 241a),

shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

2) Any person who commits the act on a commercial basis or as a member of a criminal group shall be punished with imprisonment of up to three years.

3) The perpetrator shall not be punished if such perpetrator voluntarily and before the spied out data within the meaning of paragraph 1 sub-paragraphs 1 or 2 have been used, eliminates the risk of its use by way of informing the agency, the authorized person or in any other manner. If there is no risk of any such use or if that risk has been eliminated without any participation of the perpetrator, then such perpetrator shall not be punished if, not having any knowledge thereof, he voluntarily and earnestly endeavours to eliminate such risk.

## Section 14

### High treason and other attacks against the state

#### § 242

##### *High treason*

1) Any person who, by force or the threat of force, undertakes to change the Constitution of the Principality of Liechtenstein or to separate territory belonging to the Principality of Liechtenstein shall be punished with imprisonment of ten to twenty years.

2) An undertaking within the meaning of paragraph 1 shall also include a mere attempt.

#### § 243

##### *Active repentance*

1) The perpetrator shall not be punished for high treason if such perpetrator voluntarily abandons the commission or if such

perpetrator, if multiple persons are involved in the plan, prevents the commission or voluntarily averts the result.

2) The perpetrator shall not be punished either if, without his participation, the completion or the result does not occur, and if the perpetrator, having no knowledge thereof, voluntarily and earnestly endeavours to prevent the completion or avert the result.

#### § 244

##### *Preparation of high treason*

1) Any person who conspires with another person to jointly commit high treason shall be punished with imprisonment of one to ten years.

2) Any person shall be punished likewise who prepares high treason in any other manner and thereby creates or considerably enhances the risk of an undertaking of high treason or who prepares high treason in cooperation with a foreign power.

#### § 245

##### *Active repentance*

1) No perpetrator shall be punished for preparation of high treason if such perpetrator voluntarily abandons his acts, or if such perpetrator, if multiple persons are involved in the preparation, prevents the high treason.

2) § 243 paragraph 2 shall apply *mutatis mutandis*.

#### § 246

##### *Subversive groups*

1) Any person who establishes a group, the purpose of which, even if not exclusively, is to subvert the independence, the system of state laid down in the Constitution, or a constitutional institution of the Principality of Liechtenstein in a manner contrary to the law shall be punished with imprisonment of six months to five years.

2) Any person shall be punished likewise who is active in such a group in a leading capacity, recruits members for such group, or

supports the group with financial means or in another significant manner.

3) Any person who otherwise participates in such a group or supports such a group in a manner other than referred to in paragraph 2 shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>386</sup>

§ 247

*Active repentance*

No person shall be punished in accordance with § 246 if such person voluntarily and before the authorities (§ 151 paragraph 3) have learned of such person's culpability discloses to the authorities anything known to such person about the group and its plans at a time when this is still a secret.

§ 247a<sup>387</sup>

*Subversive movement*

1) Any person who establishes a subversive movement or takes a leading role in such a movement shall, if such person or another participant has performed or contributed to a serious act in which the subversive orientation becomes clearly evident shall be punished with imprisonment of up to two years.

2) Any person who participates in such a movement with the intent to encourage the commission of subversive acts or supports such movement with considerable financial means or in any other considerable manner shall, under the condition of paragraph 1, be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

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386 § 246 paragraph 3 amended by LGBl. 2019 no. 124.

387 § 247a inserted by LGBl. 2019 no. 124.

3) A subversive movement shall mean a group of a large number of persons the aim of which is to outright reject the sovereign rights of the Principality of Liechtenstein (state, municipalities or other self-government) or, to repeatedly usurp the exercise of any such or alleged sovereign rights, and the purpose of which is to prevent the enforcement of acts of law, of ordinances or other sovereign decisions of the agencies in violation of the law or to enforce the usurped or alleged sovereign rights repeatedly in a manner which clearly shows the subversive aim.

4) The perpetrator shall not be punished pursuant to paragraphs 1 and 2 if a different provision provides for a more severe sentence for the act.

5) No person shall be punished pursuant to paragraphs 1 and 2, if such person voluntarily and before the agency has learned of the person's culpability withdraws from the movement in a manner which clearly shows that the subversive aim is no longer supported.

#### § 248

##### *Vilification of the state and its symbols*

1) Any person who spitefully insults or expresses contempt of the Principality of Liechtenstein in a manner that the act becomes known to the general public shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>388</sup>

2) Any person who in the manner set out in paragraph 1 spitefully insults, expresses contempt of, or otherwise vilifies the national flag that is displayed on a public occasion or at a public event, a national emblem installed by a Liechtenstein authority, or the national anthem shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

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<sup>388</sup> § 248 paragraph 1 amended by LGBL 2019 no. 124.

## Section 15

**Attacks against senior state institutions**

## § 249

*Force and dangerous threat against the Reigning Prince*

Any person who, by force or a dangerous threat, undertakes (§ 242 paragraph 2) to depose the Reigning Prince or by any of those means to coerce him to exercise or prevent him from exercising his powers at all or in a particular manner shall be punished with imprisonment of one to ten years.

## § 250

*Coercion of Parliament or the Government*

Any person who, by force or the threat of force, undertakes (§ 242 paragraph 2) to coerce Parliament or the Government to exercise or prevent them from exercising their powers at all or in a particular manner shall be punished with imprisonment of one to ten years.

## § 251

*Coercion of Members of Parliament or Government*

Any person who, by force or a dangerous threat, coerces a Member of Parliament or Government to exercise or prevents him from exercising his powers at all or in a particular manner shall be punished with imprisonment of six months to five years, and in the case of aggravated coercion (§ 106) the punishment shall be imprisonment of one to ten years.

## Section 16

### Treason

#### § 252

##### *Betrayal of state secrets*

1) Any person who divulges a state secret or makes a state secret accessible to a foreign power or a supranational or intergovernmental institution shall be punished with imprisonment of one to ten years.

2) Any person who divulges a state secret or makes a state secret accessible to the public shall be punished with imprisonment of six months to five years. If the state secret concerns facts that pose a threat to the Constitution (paragraph 3), then the perpetrator shall, however, be punished only if he acts with the purpose of inflicting a disadvantage upon the Principality of Liechtenstein. The mistaken assumption of facts that pose a threat to the Constitution shall not absolve the perpetrator of punishment.

3) Facts that pose a threat to the Constitution shall mean those facts that disclose efforts to eliminate the monarchic, democratic, parliamentary structure or the rule of law of the Principality of Liechtenstein in an unconstitutional manner or to abolish or limit a constitutionally guaranteed right or to repeatedly violate such a right.

#### § 253

##### *Disclosure of state secrets*

1) Any person who has a legal obligation particularly incumbent upon such person to keep a secret confidential that he knows to be a state secret and who violates this obligation in circumstances in which such secret may become known or accessible to a foreign power, a supranational or intergovernmental institution or to the public shall be punished with imprisonment of up to three years.

If the state secret concerns facts that pose a threat to the Constitution (§ 252 paragraph 3), then the perpetrator shall, however, be punished only if he acts with the purpose of inflicting



a disadvantage upon the Principality of Liechtenstein. The mistaken assumption of facts that pose a threat to the Constitution shall not absolve the perpetrator of punishment.

§ 254

*Spying out state secrets*

1) Any person who withholds or procures a state secret with the intent to divulge it or make it accessible to a foreign power, a supranational or international institution, or the public, and thereby to bring about the risk of a severe disadvantage to the national defence of the Principality of Liechtenstein or to the relations of the Principality of Liechtenstein with a foreign power or supranational or international institution, shall be punished with imprisonment of six months to five years.

2) § 253 paragraph 2 shall apply mutatis mutandis.

§ 255

*Definition of state secret*

State secrets within the meaning of this section shall be facts, objects or insights, in particular writings, graphics, models and formulas, and any pieces of information thereon that are only accessible to a restricted group of persons and that must be kept confidential from foreign powers, supranational or intergovernmental institutions in order to avert any risk of a serious disadvantage to the national defence of the Principality of Liechtenstein or the relations of the Principality of Liechtenstein with a foreign power or supranational or intergovernmental institution.

§ 256

*Secret intelligence service to the detriment of the Principality of Liechtenstein*

Any person who establishes or operates a secret intelligence service to the detriment of the Principality of Liechtenstein or who supports such an intelligence service in any manner

whatsoever shall be punished with imprisonment of up to three years.

§ 257

*Aiding enemy armed forces*

1) A Liechtenstein citizen who, during a war or an armed conflict in which the Principality of Liechtenstein is involved, enters the services of enemy armed forces or bears arms against the Principality of Liechtenstein shall be punished with imprisonment of one to ten years.

2) Any person shall be punished likewise who, during a war or an armed conflict in which the Principality of Liechtenstein is involved or in the face of an immediately imminent risk of such a war or armed conflict, provides an advantage to the enemy armed forces. Foreign nationals shall be punished under this provision only if they commit the act while they are in Liechtenstein.

§ 258

*Treasonous forgery and destruction of evidence*

1) Any person who

1. with respect to a legal relationship between the Principality of Liechtenstein and a foreign power or a supranational or intergovernmental institution, or
2. with respect to a fact that is of importance to the relations between the Principality of Liechtenstein and a foreign power or a supranational or intergovernmental institution

manufactures forged evidence or falsifies, destroys, damages, or eliminates authentic evidence and thereby endangers the interests of the Principality of Liechtenstein shall be punished with imprisonment of six months to five years.

2) Any person shall be punished likewise who makes use of such forged or falsified evidence and thereby endangers the interests of the Principality of Liechtenstein.

## Section 17

**Offences against national defence**

## § 259

*Breach of the duty to defend the country*

Any person who, in the case of mobilization, breaches his duty to defend the country shall be punished with imprisonment of six months to five years.

## § 260

*Sabotage of weaponry*

Any person who fails to manufacture or deliver or defectively manufactures or delivers weaponry, a facility, or an installation that exclusively or predominantly serves the national defence or the protection of the civilian population against the dangers of war, or a material intended for that purpose in breach of an obligation he has taken on, and in that manner knowingly endangers the national defence or the protection of the civilian population shall, unless the act is subject to a more severe penalty under another provision, be punished with imprisonment of six months to five years.

## Section 18

**Offences at elections and votes**

## § 261

*Scope of application*

1) The provisions of this section shall apply to the holding of elections and votes in public matters.

2) Signatures to nomination papers or the proceedings for a referendum, an initiative, convocation or dissolution of Parliament shall be equivalent to elections and votes.

## § 262

*Disruption of elections*

1) Any person who by force or a dangerous threat coerces another person to vote or to vote in a particular manner or prevents such other person from voting or from voting in a particular manner shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates; however, if the requirements set out in § 106 apply, the punishment shall be the penalties set out therein.<sup>389</sup>

2) Any person who in any manner other than by coercion prevents another person from exercising such person's right to vote shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

## § 263

*Deception at an election or vote*

1) Any person who by deception concerning facts effects or attempts to effect that another person is mistaken about the content of his declaration when casting his vote, or casts an invalid vote against his will shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person shall be punished likewise who by deception concerning a circumstance relating to the holding of the election or vote effects or attempts to effect that another person omits to cast his vote.

## § 264

*Dissemination of fake news at an election or vote*

1) Any person who publicly disseminates fake news regarding a circumstance that is capable of preventing eligible voters from casting their votes or capable of causing the exercise of their right to vote in a particular manner at a point in time when a response can no longer be effectively disseminated shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

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<sup>389</sup> § 262 paragraph 1 amended by LGBL 2019 no. 124.

2) Any person who, in this context, makes use of a forged or falsified document to make the fake news set out in paragraph 1 appear credible shall be punished with imprisonment of up to three years.

§ 265

*Active bribery at an election or vote*

1) Any person who offers, promises or provides any valuable consideration to an eligible voter in order for such eligible voter to cast his vote in a particular manner or not to cast his vote at all or not to cast his vote in a particular manner shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>390</sup>

2) Any eligible voter shall be punished likewise who demands, accepts, or accepts the promise of some valuable consideration in return for the fact that the eligible voter casts his vote in a particular manner or does not cast his vote at all or does not cast his vote in a particular manner.

§ 266

*Falsification at an election or vote*

1) Any person who votes without being eligible to vote, or any person who otherwise votes in an impermissible manner shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person who falsifies the result of an election or vote shall be punished with imprisonment of up to three years.

§ 267

*Prevention of an election or vote*

Any person who by force or a dangerous threat prevents or purposefully disturbs an election, a vote or the determination or announcement of the results thereof shall be punished with imprisonment of up to three years.

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<sup>390</sup> § 265 paragraph 1 amended by LGBl. 2019 no. 124.

## § 268

*Violation of secrecy of elections or votes*

Any person who violates any provision serving the protection of the secrecy of elections or votes with the purpose of obtaining knowledge for himself or another person of the manner in which a person voted shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

## Section 19

**Offences against the authority of the state**

## § 269

*Resistance to state authorities*

1) Any person who, by force or the threat of force, prevents an authority from performing an official act, and any person who, by force or a dangerous threat, prevents an official from performing an official act shall be punished with imprisonment of up to three years, but in the case of aggravated coercion (§ 106) the punishment shall be imprisonment of six months to five years.

2) Any person shall be punished likewise who, by force or the threat of force, coerces an authority or, by force or a dangerous threat, coerces an official to perform an official act.

3) Only an act by which the official exercises the power of command or compulsion as a body of the sovereign administration or the judiciary shall be deemed an official act for the purpose of paragraphs 1 and 2.

4) The perpetrator shall not be punished in accordance with paragraph 1 if the authority or the official is not entitled to perform the kind of official act concerned or if the official act violates provisions of criminal law.

## § 270

*Physical attack against an official*

1) Any person who physically attacks an official during an official act (§ 269 paragraph 3) shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) § 269 paragraph 4 shall apply mutatis mutandis.

## § 271

*Breaking of an attachment*

1) Any person who destroys, damages, defaces, renders unusable or withdraws in whole or in part from attachment or seizure any object which has been officially attached or seized shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) § 269 paragraph 4 shall apply mutatis mutandis.

3) No person shall be punished in accordance with paragraph 1 if such person voluntarily and before the authorities (§ 151 paragraph 3) have learned of his culpability returns the object withdrawn from attachment or seizure.

## § 272

*Breaking a seal*

1) Any person who damages or removes a seal that an official has attached in the exercise of his office in order to seal or seize or mark an object, and who in whole or in part renders the sealing caused by such seal ineffective shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) § 269 paragraph 4 shall apply mutatis mutandis.

3) No person shall be punished in accordance with paragraph 1 if such person voluntarily and before the authorities (§ 151 paragraph 3) have learned of his culpability, effects that the object is sealed or seized again without any significant compromise of the purpose thereof.

## § 273

*Violation of announcements by an authority*

1) Any person who destroys, damages, removes or alters a piece of writing that such person knows (§ 5 paragraph 3) to have been displayed or made available by an authority for public announcement purposes, or any person who renders the content of such piece of writing in whole or in part unrecognizable, thus frustrating or compromising the purpose of the announcement in such piece of writing, shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) § 269 paragraph 4 shall apply mutatis mutandis.

3) No person shall be punished in accordance paragraph 1 if such person voluntarily and before the authorities (§151 paragraph 3) have learned of such person's culpability effects that the purpose of the announcement is achieved without any significant compromise.

## Section 20

**Offences against public peace**§ 274<sup>391</sup>*Joint acts of serious violence*

1) Any person who knowingly participates in a meeting of many people the aim of which is that by their combined forces murder (§ 75), manslaughter (§ 76), bodily harm (§ 84 to § 87), or serious damage to property pursuant to § 126 paragraph 1 subparagraph 5 or paragraph 2 is committed shall be punished with imprisonment of up to two years, if any such violent act has been committed.

2) Any person who participates in such meeting in a leading capacity or who participates in such a manner that the person incites others to commit any of the offences set out in paragraph 1, or who, as a participant, commits, or participates (§ 12) in the

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391 § 274 amended by L.GBl. 2019 no. 124.



commission of, any such offence shall be punished with imprisonment of up to three years.

3) No person shall be punished in accordance with paragraph 1 if such person voluntarily withdraws or earnestly seeks to withdraw from the meeting before it has led to any use of violence, unless such person participated in the meeting in the manner described in paragraph 2.

§ 275

*Disturbance of public peace by creating fear*

Any person who causes fear and agitation to the population or to a large group of persons by threatening an attack against life, health, physical integrity, liberty or property shall be punished with imprisonment of up to three years.

§ 276

*Dissemination of false and disturbing rumours*

Any person who purposefully disseminates a rumour that such person knows (§ 5 paragraph 3) to be false and that is capable of causing distress to a large group of persons, thus endangering public order, shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

§ 277

*Criminal conspiracy*

1) Any person who conspires with another person to jointly commit murder (§ 75), extortionate kidnapping (§ 102), delivery to a foreign power (§ 103), slave trade (§ 104), robbery (§ 142), an offence against public safety as set out in § 169, § 171, § 173, § 176, § 185, or § 186 or cross-border trafficking in prostitution (§ 217) shall be punished with imprisonment of six months to five year.<sup>392</sup>

2) No person shall be punished in accordance with paragraph 1, if such person voluntary, by reporting information to the authorities (§ 151 paragraph 3) or the person in danger or

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<sup>392</sup> § 277 paragraph 1 amended by LGBL 2007 no. 186.

otherwise, prevents the intended offence. If, without the involvement of the perpetrator, the offence is not committed, the perpetrator shall not be punished if, not having any knowledge thereof, he voluntarily and earnestly endeavours to prevent the offence.

§ 278<sup>393</sup>

*Criminal group*

1) Any person who establishes a criminal group or participates in such a criminal group as a member shall be punished with imprisonment of up to three years.

2) A criminal group shall mean an affiliation intended to exist for an extended period of time of more than two persons aiming at the commission by one or more members of the group of one or more crimes, other substantial acts of violence against life and limb, not merely petty damage to property, theft or fraudulent acts, or misdemeanours set out in § 165, § 177b, § 233 to § 239, § 241a to § 241c, § 241e, § 241f, § 304 or § 307, or other misdemeanours set out in § 278d paragraph 1.<sup>394</sup>

3) Any person shall be deemed to participate as a member in a criminal group who commits an offence within the scope of the group's criminal aim or participates in its activities by providing information or assets or in any other manner with the knowledge that he is thereby promoting the group or its offences.

4) Where the group has not resulted in any offence of the planned kind, no member shall be punished if the group disbands voluntarily or its conduct otherwise indicates that it has voluntarily renounced its undertaking. Moreover, no person shall be punished for the offence of criminal group who voluntarily withdraws from the group before an act of the planned kind has been committed or attempted; any person who has participated in the group in a leading capacity shall be exempt from punishment only if such person, by voluntarily reporting information to the authorities (§ 151 paragraph 3) or otherwise, effects that the danger arising from the group is eliminated.

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<sup>393</sup> § 278 amended by LGBl. 2007 no. 186.

<sup>394</sup> § 278 paragraph 2 amended by LGBl. 2019 no. 124.

§ 278a<sup>395</sup>*Criminal organization*

Any person who establishes an enterprise-like association of a larger number of persons that is intended to exist for an extended period of time or who, as a member (§ 278 paragraph 3), participates in or supports financially such an association which

1. even if not exclusively, aims on a repeated and planned basis to commit serious offences that threaten life, physical integrity, liberty, or assets, or serious offences relating to the sexual exploitation of human beings, smuggling of human beings, or unlawful commerce in weapons, nuclear and radioactive material, hazardous waste, counterfeit money, or narcotics,
2. thereby aims to obtain enrichment on a large scale or considerable influence on politics or the economy, and
3. aims to corrupt or intimidate others or to shield itself in a special manner against criminal prosecution measures,

shall be punished with imprisonment of one to ten years. § 278 paragraph 4 shall apply accordingly.

## § 278b

*Terrorist group*<sup>396</sup>

1) Any person who leads a terrorist group (paragraph 3) shall be punished with imprisonment of five to fifteen years.<sup>397</sup>

2) Any person who participates in a terrorist group as a member (§ 278 paragraph 3) or who supports the group financially shall be punished with imprisonment of one to ten years.<sup>398</sup>

3) A terrorist group shall mean an affiliation of more than two persons intended to exist for an extended period of time and aimed at the commission of one or more terrorist offences (§ 278c) or terrorist financing (§ 278d) by one or more of its members.<sup>399</sup>

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<sup>395</sup> § 278a amended by LGBL 2007 no. 186.

<sup>396</sup> § 278b subject heading inserted by LGBL 2003 no. 236.

<sup>397</sup> § 278b paragraph 1 amended by LGBL 2019 no. 158.

<sup>398</sup> § 278 paragraph 2 amended by LGBL 2007 no. 186.

<sup>399</sup> § 278 paragraph 3 amended by LGBL 2016 no. 14.

## § 278c

*Terrorist offences*<sup>400</sup>

- 1) Terrorist offences shall be deemed to be<sup>401</sup>
1. murder (§ 75),<sup>402</sup>
  2. bodily harm pursuant to § 84 to § 87,<sup>403</sup>
  3. extortionate kidnapping (§ 102),<sup>404</sup>
  4. aggravated coercion (§ 106),<sup>405</sup>
  5. dangerous threat as defined by § 107 paragraph 2,<sup>406</sup>
  6. serious damage to property (§ 126), damage to data (§ 126a) and interference with the functioning of a computer system (§ 126b), if this might result in danger to the life of another person or property belonging to another person on a large scale or if a large number of computer systems (§ 126a paragraph 3, § 126b paragraph 3) or essential elements of the critical infrastructure (§ 126a paragraph 4 sub-paragraph 2, § 126b paragraph 4 sub-paragraph 2) are compromised,<sup>407</sup>
  7. offences of intentional endangerment of public safety (§ 169, § 171, § 173, § 175, § 176, § 177a, § 177b and § 178 as well as article 34 of the War Material Act) or intentional interference with the environment (§ 180),<sup>408</sup>
  8. air piracy (§ 185),<sup>409</sup>
  9. intentional endangerment of aviation safety (§ 186),<sup>410</sup>
  - 9a. incitement and endorsement of terrorist offences (§ 282a),  
or<sup>411</sup>

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400 § 278c subject heading inserted by LGBl. 2003 no. 236.

401 § 278c paragraph 1 introductory sentence amended by LGBl. 2003 no. 236.

402 § 278 paragraph 1 sub-paragraph 1 inserted by LGBl. 2003 no. 236.

403 § 278c paragraph 1 sub-paragraph 2 inserted by LGBl. 2003 no. 236.

404 § 278c paragraph 1 sub-paragraph 3 inserted by LGBl. 2003 no. 236.

405 § 278c paragraph 1 sub-paragraph 4 inserted by LGBl. 2003 no. 236.

406 § 278c paragraph 1 sub-paragraph 5 inserted by LGBl. 2003 no. 236.

407 § 278c paragraph 1 sub-paragraph 6 amended by LGBl. 2019 no. 158.

408 § 278c paragraph 1 sub-paragraph 7 amended by LGBl. 2019 no. 124.

409 § 278c paragraph 1 sub-paragraph 8 inserted by LGBl. 2003 no. 236.

410 § 278c paragraph 1 sub-paragraph 9 amended by LGBl. 2016 no. 14.

411 § 278c paragraph 1 sub-paragraph 9a inserted by LGBl. 2016 no. 14.

10. an act carrying a penalty pursuant to article 60 of the Weapons Act,<sup>412</sup>

if the act is capable of bringing about serious or enduring disruption of public life or serious damage to economic activity, and if the act is committed with the intent to intimidate the population in a grave way, to coerce public authorities or an international organization into an act, acquiescence, or omission, or to seriously subvert or destroy the fundamental political, constitutional, economic, or social structures of a state or an international organization.<sup>413</sup>

2) Any person who commits a terrorist offence within the meaning of paragraph 1 shall be punished in accordance with the law applicable to the act referred to therein, but the maximum penalty the act carries shall be increased by half, up to at most twenty years.<sup>414</sup>

3) The act shall not be deemed a terrorist offence if it is aimed at the establishment or re-establishment of democracy and the rule of law, or if it is aimed at the exercise or protection of human rights.<sup>415</sup>

#### § 278d

#### *Terrorist financing*<sup>416</sup>

1) Any person who makes available or collects assets with the intent that they be used, even only in part,<sup>417</sup>

1. to commit

- a) air piracy (§ 185) or intentional endangerment of aviation safety (§ 186),
- b) extortionate kidnapping (§ 102) or a threat thereof,
- c) an attack against the life, limb, or liberty of a person protected under international law or a violent attack against the private accommodation, official premises, or means of

<sup>412</sup> § 278c paragraph 1 sub-paragraph 10 amended by LGBL 2008 no. 277.

<sup>413</sup> § 278c paragraph 1 final sentence inserted by LGBL 2003 no. 236.

<sup>414</sup> § 278c paragraph 2 inserted by LGBL 2003 no. 236.

<sup>415</sup> § 278c paragraph 3 inserted by LGBL 2003 no. 236.

<sup>416</sup> § 278d subject heading inserted by LGBL 2003 no. 236.

<sup>417</sup> § 278d paragraph 1 amended by LGBL 2016 no. 161.

- transportation of such a person, with such attack being capable of endangering his life, limb, or liberty, or a threat to commit any such attack,
- d) intentional endangerment through nuclear energy or ionizing radiation (§ 171), the threat thereof, unauthorized handling of nuclear material or radioactive substances (§ 177b), any other offence to obtain nuclear material or radioactive substances, or a threat to commit theft or robbery of nuclear material or radioactive substances, in order to coerce another person into an act, acquiescence, or omission,<sup>418</sup>
  - e) a substantial attack against the life or limb of another person at an airport serving international civil aviation, the destruction of or substantial damage to such an airport or an aircraft located at such an airport, or the disruption of the services of the airport, where the act is committed using a weapon or other device and capable of endangering safety at the airport,
  - f) an offence committed against a ship or fixed platform, against a person on board a ship or fixed platform, against the cargo of a ship or against a maritime navigational facility, in a manner described in § 185 or § 186,
  - g) the transportation of an explosive or other lethal device to a place of public use, a state or public facility, a public transportation system or an infrastructure facility, or the use of such means with the goal of causing death or serious bodily harm to another person or extensive destruction of the place, facility, or system, if such destruction is capable of resulting in particularly major economic loss,
  - h) an act intended to cause death or serious bodily harm to a civilian, or to any other person not taking an active part in the hostilities of an armed conflict, if the goal of such act, by its nature or context, is to intimidate a population or to coerce a government or an international organization into an act or omission,
  - i) any other offence set out in § 278c paragraph 1, an offence set out in § 278e, § 278f or § 278g or the recruitment of

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418 § 278d paragraph 1 sub-paragraph 1 letter d amended by LGBl. 2019 no. 124.

another person for the commission of a terrorist offence set out in § 278c paragraph 1 sub-paragraphs 1 to 9 or 10, or<sup>419</sup>

2. by a person or a group (§ 278b paragraph 3) committing an act referred to in sub-paragraph 1 or participating in such a group as a member (§ 278b paragraph 2),

shall be punished with imprisonment of one to ten years.

2) The perpetrator shall not be punished in accordance with paragraph 1 if a different provision provides for a more severe penalty.<sup>420</sup>

§ 278e<sup>421</sup>

*Training for terrorist purposes*

1) Any person who instructs another person in the manufacturing or use of explosives, firearms, or other weapons or hazardous or noxious substances, or in another equally hazardous or noxious method specifically capable of committing a terrorist offence set out in § 278c paragraph 1 sub-paragraphs 1 to 9 or 10, or in any such process for the purpose of committing any such terrorist offence shall be punished with imprisonment of one to ten years if such person knows that the skills acquired as a result of the instructions are intended to be used for this purpose.

2) Any person who seeks instruction in the manufacturing or use of explosives, firearms, or other weapons or hazardous or noxious substances, or in another equally hazardous or noxious method specifically capable of committing a terrorist offence set out in § 278c paragraph 1 sub-paragraphs 1 to 9 or 10, or in any such process for the purpose of committing any such terrorist offence using the acquired skills shall be punished with imprisonment of six months to five years. The type and level of sentence may, however, not be more severe than the penalty provided for by the law for the intended act.

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419 § 278d paragraph 1 letter i inserted by LGBL 2019 no. 158.

420 § 278d paragraph 2 inserted by LGBL 2003 no. 236.

421 § 278e inserted by LGBL 2016 no. 14.

§ 278f<sup>422</sup>*Instruction to cause the commission a terrorist offence*

1) Any person who offers or makes accessible to another person a media product the content of which is aimed at giving instructions regarding the commission of a terrorist offence (§ 278c paragraph 1 sub-paragraphs 1 to 9 or 10) with any of the means referred to in § 278e, or who presents or makes accessible information of this kind on the internet in a manner designed to instigate the commission of a terrorist offence shall be punished with imprisonment of up to two years.

2) Any person shall be punished likewise who procures a media product within the meaning of paragraph 1 or information of this kind on the internet in order to commit a terrorist offence (§ 278c paragraph 1 sub-paragraphs 1 to 9 or 10).

§ 278g<sup>423</sup>*Travelling for terrorist purposes*

Any person who travels to another country in order to commit an offence set out in § 278b, § 278c, § 278e or § 278f shall be punished with imprisonment of six months to five years. The type and level of sentence may, however, not be more severe than the penalty provided for by the law for the intended act.

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422 § 278f inserted by LGBL 2016 no. 14.

423 § 278g inserted by LGBL 2019 no. 158.



## § 279

*Armed groups*

1) Any person who, without being authorized to do so, establishes an armed group or a group intended to be armed, or arms an existing group, is active in such a group in a leading capacity, recruits or levies members for such group, or trains them militarily or otherwise in battle, equips the group with weapons, means of transportation or with communication devices, or supports the group with monies or in any other significant manner shall be punished with imprisonment of up to three years.

2) No person shall be punished in accordance with paragraph 1 if such person voluntarily and before the authorities (§151 paragraph 3) have learned of such person's culpability discloses to the authorities anything known to such person about the group and its plans at a time when this is still a secret.

§ 280<sup>424</sup>*Amassing of weapons*

1) Any person who appropriates, possesses, or procures for another person arms, ammunition, or other weapons in order to equip a larger number of persons for battle shall be punished with imprisonment of up to three years.

2) No person shall be punished in accordance with paragraph 1 if such person voluntarily and before the authorities (§ 151 paragraph 3) have learned of such person's culpability renders the weapons permanently unusable, hands them over to the authorities, or enables the authorities to get hold of the weapons.

## § 281

*Incitement to violate laws*

Any person who, in a printed work, on the radio, on television, or in any other manner that makes it accessible to the general public, incites to general disobedience of a law shall be punished with imprisonment of up to one year.

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<sup>424</sup> § 280 amended by LGBL 2013 no. 73.

## § 282

*Incitement to commit acts carrying a penalty and endorsement of acts carrying a penalty*

1) Any person who, in a printed work, on the radio, on television, or in any other manner that makes it accessible to the general public, incites to commit an act carrying a penalty shall be punished with imprisonment of up to two years, if such person is not subject to a more severe penalty as a participant in that act (§ 12).

2) Any person shall be punished likewise who, in the manner referred to in paragraph 1, endorses an intentionally committed act carrying a penalty of imprisonment of more than one year in a manner capable of shocking the general sense of justice or inciting the commission of such an act.

§ 282a<sup>425</sup>*Incitement and endorsement of terrorist offences*

1) Any person who, in a printed work, on the radio, on television, or in any other type of media or otherwise in public, in a manner that makes it accessible to a great number of persons, incites to commit a terrorist offence (§ 278c paragraph 1 subparagraphs 1 to 9 or 10) shall be punished with imprisonment of up to two years if such person is not subject to a more severe penalty as a participant in the act (§ 12).

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425 § 282a inserted by LGBl. 2016 no. 14.

2) Any person shall be punished likewise who endorses a terrorist offence (§ 278c paragraph 1 sub-paragraphs 1 to 9 or 10) in any of the manners set out in paragraph 1 in a manner capable of causing the risk of the commission of one or more of such offences.

§ 283<sup>426</sup>

*Discrimination*<sup>427</sup>

1) Any person shall be punished with imprisonment of up to two years who

1. publicly incites hatred or discrimination against another person or any group of persons on the grounds of their race, language, nationality, ethnic origin, religion or ideology, their gender, disability, age, or sexual orientation,<sup>428</sup>
2. publicly disseminates ideologies that have as their object the systematic denigration or defamation of persons on the grounds of their race, language, nationality, ethnic origin, religion or ideology, their gender, disability, age, or sexual orientation,<sup>429</sup>
3. with the same objective organizes, encourages or participates in propaganda campaigns,
4. publicly denigrates or discriminates against another person or a group of persons on the grounds of their race, language, nationality, ethnic origin, religion or ideology, their gender, their<sup>430</sup> disability, age or sexual orientation in a manner that violates human dignity, whether verbally, in writing or pictorially, by using signs transmitted by electronic media, gestures, through acts of aggression or otherwise,<sup>431</sup>
5. publicly denies, grossly trivializes or seeks justification for genocide or other crimes against humanity, whether verbally, in writing or pictorially, by using signs transmitted by

426 § 283 amended by LGBL 2000 no. 36.

427 § 283 subject heading amended by LGBL 2016 no. 14.

428 § 283 paragraph 1 sub-paragraph 1 amended by LGBL 2016 no. 14.

429 § 283 paragraph 1 sub-paragraph 2 amended by LGBL 2016 no. 14.

430 Mistakenly reads "ihres" in the authentic version in German.

431 § 283 paragraph 1 sub-paragraph 4 amended by LGBL 2016 no. 14.

electronic media, gestures, through acts of aggression or otherwise,

6. refuses to provide a service intended to be provided to the general public to another person or a group of persons on the grounds of their race, language, nationality, ethnic origin, religion or ideology, their gender, disability, age, or sexual orientation,<sup>432</sup>
7. takes part in a group as a member whose activity consists in promoting or inciting discrimination within the meaning of the present provision.<sup>433</sup>

2) Any person shall be punished likewise who, with regard to discriminatory (paragraph 1) written materials, audio or video recordings, signs transmitted by electronic media, images or other objects of this kind,<sup>434</sup>

1. produces, imports, stores them or brings them into circulation for dissemination purposes,
2. publicly advertises, exhibits, offers or shows them.

3) Paragraphs 1 and 2 shall not be applicable if the propaganda or act of art or science, research or teaching serves the purpose of proper reporting on current events or historical events or similar purposes.

§ 284<sup>435</sup>

*Breaking up of an assembly*

Any person who by force or the threat of force prevents or breaks up an assembly, a march, or a similar rally that is not prohibited shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

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432 § 283 paragraph 1 sub-paragraph 6 amended by LGBL 2016 no. 14.

433 § 283 paragraph 1 sub-paragraph 7 amended by LGBL 2016 no. 14.

434 § 283 paragraph 2 introductory sentence amended by LGBL 2016 no. 14.

435 § 284 amended by LGBL 2019 no. 124.

## § 285

*Preventing an assembly or disturbing an assembly*

Any person who prevents or significantly disturbs an assembly that is not prohibited by

1. making the assembly room inaccessible,
2. preventing a person entitled to attend from gaining access to the assembly, or obstructing such access, or obstructing or rendering the attendance in the assembly impossible through serious harassment,
3. entering the assembly without being authorized to do so, or
4. ousting a person appointed to chair the assembly or maintain order, or any person who physically resists such appointed person's orders regarding the proceedings of the assembly,

shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

## § 286

*Omission to prevent an act carrying a penalty*

1) Any person who, with the intent that a punishable act be committed intentionally, omits to prevent the imminent or already started commission of the punishable act or who omits to report information to the authorities (§ 151 paragraph 3) or to the threatened person in cases in which reporting information to the authorities renders the prevention possible, shall be punished with imprisonment of up to two years if the punishable act has at least been attempted and if the punishable act is punishable by imprisonment of more than one year. The type and level of sentence may, however, not be more severe than the penalty provided for by the law for the act that has not been prevented.

2) The perpetrator shall not be punished in accordance with paragraph 1, if

1. the perpetrator could not easily effect the prevention or reporting of information without exposing himself or a relative to the risk of a significant detriment,

2. the perpetrator exclusively learned of the punishable act through information that was entrusted to him in his capacity as a pastor, or
3. the prevention or reporting of information would cause the perpetrator to violate any other legally recognized confidentiality obligation and if the consequences of the violation of that obligation would have been more severe than the negative consequences of the omission to prevent the act or report information.

§ 287

*Commission of a punishable act in a state of complete intoxication*

1) Any person who, even if negligently, through the consumption of alcohol or the use of any other intoxicating substance puts himself into a state of intoxication excluding mental capacity shall be punished with imprisonment of up to three years, if such person in such state of intoxication commits a punishable act that would, except for such state, be attributed to him as a crime or a misdemeanour. The type and level of sentence may, however, not be more severe than the penalty provided for by the law for the act that has been committed in the state of intoxication.<sup>436</sup>

2) The perpetrator may only be prosecuted upon demand, upon application or with authorization if the punishable act committed in the state of intoxication, too, may only be prosecuted upon demand, upon application or with authorization.

Section 21

**Offences against the administration of justice**

§ 288

*False testimony in court*

1) Any person who as a witness or, unless such person is simultaneously a party, as a person providing information gives

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436 § 287 paragraph 1 amended by LGBL 2019 no. 124.

false testimony in court on the matter during his formal questioning, or as an expert provides a false finding or a false opinion, shall be punished with imprisonment of up to three years.

2) Any person who gives false testimony (paragraph 1) in court under oath or confirms false testimony by an oath or otherwise commits perjury in court with respect to an oath provided for by law shall be punished with imprisonment of six months to five years. Reference to an earlier oath shall be considered equivalent to an oath, and in the case of persons exempt from the duty to swear an oath, the affirmation provided for in lieu of an oath shall be considered equivalent to an oath.

3) Any person shall be punished likewise in accordance with paragraph 1 who, as a witness or expert, commits any of the acts referred to therein in proceedings conducted by the National Police in accordance with the Code of Criminal Proceedings.<sup>437</sup>

§ 289<sup>438</sup>

*False testimony before an administrative authority*

1) Any person who, acting as a witness before an administrative authority, gives false testimony on the matter during his formal questioning or who, acting as an expert before an administrative authority, provides a false finding or a false opinion shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

§ 290

*False testimony out of necessity*

1) Any person who gives false testimony (§ 288, § 289) in order to avert any disgrace, any risk of criminal prosecution, or a direct and significant pecuniary disadvantage from himself or a relative shall not be punished if such person was exempt from the obligation to give testimony or could have been exempted from such obligation and if such person

1. did not know that this was the case,

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<sup>437</sup> § 288 paragraph 3 inserted by LGBL 2012 no. 267.

<sup>438</sup> § 289 amended by LGBL 2019 no. 124.

2. did not disclose the reason for the exemption in order to avert the consequences of the stated kind which could have arisen merely from the disclosure, or
3. was wrongly ordered to give testimony.

2) The capacity of a person as a relative resulting from marriage or a registered partnership or a de facto life partnership shall be maintained even if the marriage, registered partnership or de facto life partnership no longer exists.<sup>439</sup>

3) The perpetrator shall, however, be punished even if the requirements set out in paragraph 1 are met if such perpetrator can nevertheless be expected to give truthful testimony especially with regard to any detriment resulting for another person from the false testimony.

#### § 291

##### *Active repentance*

No perpetrator shall be punished for the acts carrying a penalty pursuant to § 288 or § 289 if such perpetrator corrects the false statement before the end of his questioning.

#### § 292

##### *Causing false testimony*

1) Any person who by deception regarding facts causes another person to give false testimony in court (§ 288) in good faith shall be punished with imprisonment of up to three years.

2) Any person who, in the manner described in paragraph 1, causes another person to give false testimony before an administrative authority (§ 289) in good faith shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.<sup>440</sup>

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439 § 290 paragraph 2 amended by LGBl. 2011 no. 379.

440 § 292 paragraph 2 amended by LGBl. 2019 no. 124.



§ 292a<sup>441</sup>*False schedule of assets*

Any person who signs a false or incomplete schedule of assets before a court or before the bailiff (article 29 of the Code of Execution or article 59 of the Code of Execution) and, in doing so, puts the satisfaction of a creditor at risk shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

§ 292b<sup>442</sup>*Active repentance*

No person shall be punished for a false schedule of assets (§ 292a) if such person voluntarily and before the agency (§ 151 paragraph 3) has learned of the person's culpability rectifies the false information or completes the incomplete information, unless the satisfaction of a creditor has already been frustrated or reduced.

§ 292c<sup>443</sup>*Unauthorized collusive bidding in public auction execution proceedings*

1) Any person who demands, accepts, or accepts the promise of a benefit for himself or for a third party in return for the commitment not to appear as another bidder in a public auction in execution proceedings or to bid only up to a certain amount or otherwise according to a given standard or not at all shall be punished with imprisonment of up to two years.

2) Any person shall be punished likewise who offers, promises or grants to another bidder, without such bidder's urging, a benefit for himself or a third party in return for a commitment as mentioned in paragraph 1.

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441 § 292a inserted by LGBl. 2018 no. 475.

442 § 292b inserted by LGBl. 2018 no. 475.

443 § 292c inserted by LGBl. 2019 no. 124.

§ 293<sup>444</sup>*Forgery of evidence*

1) Any person who produces false evidence or falsifies authentic evidence and does so with the intent that the evidence be used in judicial or administrative proceedings, or in proceedings conducted by the National Police under the Code of Criminal Procedure, shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates, unless the act carries a penalty pursuant to § 223, § 224, § 225 or § 230.<sup>445</sup>

2) Any person shall be punished likewise who uses false or falsified evidence in judicial or administrative proceedings or in proceedings conducted by the National Police under the Code of Criminal Procedure.

## § 294

*Active repentance*

1) No person shall be punished for forgery of evidence (§ 293) if such person voluntarily refrains from using or prevents the use of false or falsified evidence in the proceedings or if such person eliminates the alteration to the evidence that is capable of misleading another person before the evidence is used in the proceedings.

2) If there is no danger of any such use or if such danger has been eliminated without any participation by the perpetrator, then such perpetrator shall not be punished if, not having any knowledge thereof, he voluntarily and earnestly endeavours to eliminate such danger.

§ 295<sup>446</sup>*Suppression of evidence*

Any person who destroys, damages or suppresses any evidence which is intended to be used in judicial or administrative proceedings or in preliminary investigation proceedings under the

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444 § 293 amended by LGBL 2012 no. 267.

445 § 293 paragraph 1 amended by LGBL 2019 no. 124.

446 § 295 amended by LGBL 2019 no. 124.

Code of Criminal Procedure and which is not at such person's disposal or not at such person's sole disposal, and does so with the intent to prevent the use of the evidence in the proceedings shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates, unless the act is punishable under § 229 or § 230.

§ 296<sup>447</sup>

*Active repentance*

No person shall be punished for suppression of evidence (§ 295) if such person voluntarily presents the evidence to the court, the administrative authority, or to the National Police (§ 9 of the Code of Criminal Procedure) at a time when the evidence can still be taken into consideration for the decision or order to be rendered or given.

§ 297

*False suspicion*

1) Any person who puts another person at risk of official prosecution by falsely suspecting such other person of a punishable act to be prosecuted ex officio or of a violation of an official or professional duty shall, if he knows (§ 5 paragraph 3) that the suspicion is false, be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates, but if the falsely alleged act carries a penalty of imprisonment of more than one year, then the punishment shall be imprisonment of six months to five years.<sup>448</sup>

2) Any person who voluntarily eliminates the risk of prosecution by an authority before the authority has done anything to prosecute the suspected person shall not be punished in accordance with paragraph 1.

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<sup>447</sup> § 296 amended by LGBl. 2012 no. 267.

<sup>448</sup> § 297 paragraph 1 amended by LGBl. 2019 no. 124.

## § 298

*Misleading an authority or official about the commission of a punishable act*

1) Any person who knowingly misleads an authority (§ 151 paragraph 3) or an official competent to receive criminal complaints about the commission of an act carrying a penalty shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates, unless the act committed by such person is punishable under § 297 paragraph 1.

2) No person shall be punished in accordance with paragraph 1 if such person voluntarily effects that the act does not result in any investigations by the authorities.

## § 299

*Assisting offenders*

1) Any person who, in whole or in part and purposefully, assists another person who has committed a punishable act to evade prosecution or enforcement of a sentence or a preventative measure shall be punished with imprisonment of up to two years or with a monetary penalty of up to 360 daily rates.

2) Any person who induces another person to assist him shall not be punished in accordance with paragraph 1.

3) Furthermore, no person shall be punished in accordance with paragraph 1 if such person commits the act with the purpose of assisting a relative or with the purpose of preventing that such person himself be punished or subjected to a preventative measure due to his participation in the offence for which the assisted person is prosecuted or for which a sentence or preventative measure is intended to be enforced against such assisted person.

4) Any person who commits any of the acts carrying a penalty pursuant to paragraph 1 in order to avert any disgrace, any risk of criminal prosecution, or a direct and significant pecuniary disadvantage from himself or a relative shall not be punished if the consequences intended to be averted as a result of the act had been more severe than the negative consequences that resulted or could have resulted from the act, also taking into consideration the dangerousness of the assisted person and the seriousness of the act

which was committed by the assisted person or for which the assisted person person was convicted.

§ 300

*Liberation of prison inmates*

1) Any person who frees a prison inmate who is detained because of a decision or the order of a court or an administrative authority or who induces or assists a prison inmate to escape shall be punished with imprisonment of up to two years unless the perpetrator is punishable in accordance with § 195 or § 299.<sup>449</sup>

2) A prison inmate who induces another person to free the prison inmate or to assist the prison inmate in his escape shall not be punished in accordance with paragraph 1.

§ 301

*Unlawful publication*

1) Any person who, in violation of a legal prohibition, publishes information about the content of court or administrative authority proceedings from which the public was excluded in a printed work, on the radio, on television, or otherwise in any manner that such information becomes accessible to the general public shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

2) Any person shall be punished likewise who in any of the manners set out in paragraph 1 publishes information about deliberations in court or administrative authority proceedings, about any related voting or voting results, and any person shall be punished likewise who violates any confidentiality obligation imposed by the court or the administrative authority in such proceedings on the basis of a legal provision.

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<sup>449</sup> § 300 paragraph 1 amended by LGBl. 2019 no. 124.

## Section 22

**Punishable violations of official duties, corruption  
and related offences<sup>450</sup>**

## § 302

*Abuse of official powers*

1) An official who, with the intent to injure another person with respect to such other person's rights, knowingly abuses his powers to carry out official duties in the name of the state, a municipal association, a municipality, or another person under public law as a body thereof in the execution of the laws shall be punished with imprisonment of six months to five years.

2) Any person who commits the act while carrying out official duties with a foreign power or a supranational or intergovernmental institution shall be punished with imprisonment of one to ten years.

§ 303<sup>451</sup>*Negligent violation of personal liberty or of the immunity of the  
home*

An official who grossly negligently (§ 6 paragraph 3) injures the rights of another person by unlawfully interfering with or taking away such other person's personal liberty or by carrying out an unlawful search of such other person's home shall be punished with imprisonment of up to three months or with a monetary penalty of up to 180 daily rates.

§ 304<sup>452</sup>*Passive bribery*

1) Any office holder or arbitrator who demands, accepts, or accepts the promise of a benefit for himself or a third party in

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450 Heading preceding § 302 amended by LGBL 2016 no. 161.

451 § 303 amended by LGBL 2019 no. 124.

452 § 304 amended by LGBL 2016 no. 161.

return for any execution or omission of official duties in violation of such duties shall be punished with imprisonment of up to three years. Any person shall be punished likewise who, as an expert appointed by a court or another authority in relation to particular proceedings, demands, accepts, or accepts the promise of a benefit for himself or for a third party in return for providing a false finding or a false opinion.

2) Any person who commits the act in relation to a benefit value exceeding 5,000 francs shall be punished with imprisonment of six months to five years; any person who commits the act in relation to a benefit value exceeding 75,000 francs shall be punished with imprisonment of one up to ten years.

§ 305<sup>453</sup>

*Acceptance of benefits*

1) An office holder or arbitrator who demands a benefit for himself or a third party, accepts or accepts the promise of an undue benefit (paragraph 3) in return for any execution or omission of official duties in line with such duties shall be punished with imprisonment of up to two years.

2) Any person who commits the act in relation to a benefit value exceeding 5,000 francs shall be punished with imprisonment of up to three years; any person who commits the act in relation to a benefit value exceeding 75,000 francs shall be punished with imprisonment of six months to five years.

3) The following shall not be deemed undue benefits:

1. benefits the acceptance of which is permitted by the law or that are provided as part of events in which there is an official or objectively justified interest to attend,
2. benefits for common-benefit purposes if the office holder or arbitrator has no decisive influence on their use, as well as
3. failing any provisions permitting the acceptance of benefits as defined by sub-paragraph 1, local or customary courtesies of small value, unless the act is committed on a commercial basis.

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<sup>453</sup> § 305 amended by LGBL 2016 no. 161.

§ 306<sup>454</sup>*Acceptance of benefits for the purpose of influencing*

1) An office holder or arbitrator who, other than in the cases set out in § 304 and § 305, demands a benefit for himself or for a third party, accepts or accepts the promise of an undue benefit (§ 305 paragraph 3) and does so with the intent that this has an influence on his capacity as an office holder shall be punished with imprisonment of up to two years.

2) Any person who commits the act in relation to a benefit value exceeding 5,000 francs shall be punished with imprisonment of up to three years; any person who commits the act in relation to a benefit value exceeding 75,000 francs shall be punished with imprisonment of six months to five years.

3) Any person who accepts or accepts the promise of only a minor benefit shall not be punished in accordance with paragraph 1 unless the act is committed on a commercial basis.

§ 306a<sup>455</sup>

Repealed

§ 307<sup>456</sup>*Active bribery*

1) Any person who offers, promises, or provides to an office holder or arbitrator a benefit to be granted to such office holder or arbitrator or to a third party in return for any execution or omission of official duties in violation of such duties shall be punished with imprisonment of up to three years. Any person shall be punished likewise who offers, promises, or provides to an expert (§ 304 paragraph 1) a benefit for such expert or a third party in return for the provision of a false finding or a false opinion.

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454 § 306 amended by LGBL 2016 no. 161.

455 § 306a repealed by LGBL 2016 no. 161.

456 § 307 amended by LGBL 2016 no. 161.



2) Any person who commits the act in relation to a benefit value exceeding 5,000 francs shall be punished with imprisonment of six months to five years; any person who commits the act in relation to a benefit value exceeding 75,000 francs shall be punished with imprisonment of one to ten years.

§ 307a<sup>457</sup>

*Giving of benefits*

1) Any person who offers, promises, or provides to an office holder or arbitrator an undue benefit (§ 305 paragraph 3) for such officer holder, such arbitrator or a third party in return for any execution or omission of official duties in line with such duties shall be punished with imprisonment of up to two years.

2) Any person who commits the act in relation to a benefit value exceeding 5,000 francs shall be punished with imprisonment of up to three years; any person who commits the act in relation to a benefit value exceeding 75,000 francs shall be punished with imprisonment of six months to five years.

§ 307b<sup>458</sup>

*Giving of benefits for the purpose of influencing*

1) Any person who, other than in the cases set out in § 307 and § 307a, offers, promises, or provides to an office holder or an arbitrator an undue benefit (§ 305 paragraph 3) for such officer holder, such arbitrator or a third party and does so with the intent to influence him in his activity as an office holder shall be punished with imprisonment of up to two years.

2) Any person who commits the act in relation to a benefit value exceeding 5,000 francs shall be punished with imprisonment of up to three years; any person who commits the act in relation to a benefit value exceeding 75,000 francs shall be punished with imprisonment of six months to five years.

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<sup>457</sup> § 307a inserted by LGBL 2016 no. 161.

<sup>458</sup> § 307b inserted by LGBL 2016 no. 161.

§ 308<sup>459</sup>*Prohibited intervention*

1) Any person who demands, accepts, or accepts the promise of a benefit for himself or for a third party in return for exerting undue influence on the decision-making of an office holder or arbitrator shall be punished with imprisonment of up to two years.

2) Any person shall be punished likewise who offers, promises, or provides a benefit to another person so that such other person exerts undue influence on the decision-making of an office holder or arbitrator.

3) Any person who commits the act in relation to a benefit value exceeding 5,000 francs shall be punished with imprisonment of up to three years; any person who commits the act in relation to a benefit value exceeding 75,000 francs shall be punished with imprisonment of six months to five years.

4) Exerting influence on the decision-making of an office holder or arbitrator shall be undue if it is directed at any execution or omission of official duties in violation of such duties or if it is associated with the offer, promise, or provision of an undue benefit (§ 305 paragraph 3) for the officer holder or arbitrator or for him to be given to a third party.

5) The perpetrator shall not be punished in accordance with the preceding paragraphs if the act carries a more severe penalty under a different provision.

§ 309<sup>460</sup>*Passive bribery and active bribery in commercial dealings*

1) Any employee or agent of an enterprise who, in commercial dealings, demands, accepts, or accepts the promise of a benefit from another person for himself, or a third party in return for any execution or omission of a legal act in violation of his duties shall be punished with imprisonment of up to two years.

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459 § 308 amended by LGBL 2016 no. 161.

460 § 309 amended by LGBL 2016 no. 161.

2) Any person shall be punished likewise who, in commercial dealings, offers, promises or provides a benefit to an employee or agent of an enterprise for such employee or agent or a third party in return for any execution or omission of a legal act in violation of his duties.

3) Any person who commits the act in relation to a benefit value exceeding 5,000 francs shall be punished with imprisonment of up to three years; any person who commits the act in relation to a benefit value exceeding 75,000 francs shall be punished with imprisonment of six months to five years.

### § 310

#### *Violation of the duty to keep official secrets confidential*

1) Any official or former official who discloses or exploits a secret that was entrusted or became accessible to him exclusively by virtue of his office and the disclosure or exploitation of which is capable of violating public or legitimate private interests shall be punished with imprisonment of up to three years, unless the act carries a more severe penalty under a different provision.

2) If the perpetrator discloses an official secret which concerns facts that pose a threat to the Constitution (§ 252 paragraph 3), then the perpetrator shall be punished in accordance with paragraph 1 only if such perpetrator acts with the purpose of violating private interests or inflicting a disadvantage upon the Principality of Liechtenstein. The mistaken assumption of facts that pose a threat to the Constitution shall not absolve the perpetrator of punishment.

### § 311

#### *False authentication and certification in office*

An official who falsely authenticates a right, a legal relationship or a fact in a public document which such official is officially authorized to issue, or who falsely attaches to an object a public certification mark which such official is officially authorized to attach, and does so with the intent that the document be used in legal transactions to prove the right, the legal relationship or the fact, or that the object be used in legal transactions shall be

punished with imprisonment of up to three years, unless the act carries a penalty under § 302.

### § 312

#### *Inflicting agony on or neglecting a prison inmate*

1) An official who inflicts physical or psychological agony on a prison inmate or other person in custody pursuant to official orders who is subject to his control or to whom he has official access shall be punished with imprisonment of up to two years.

2) Any official shall be punished likewise who grossly neglects his obligation of care or custody with respect to such a person and thereby, even if only negligently, causes considerable damage to his health or physical or mental development.

3) If the act results in serious bodily harm (§ 84 paragraph 1), then the perpetrator shall be punished with imprisonment of up to three years; if the act results in bodily harm with serious lasting consequences (§ 85), the punishment shall be imprisonment of up to five years; if the act results in the death of the harmed party, the punishment shall be imprisonment of one to ten years.

### § 312a<sup>461</sup>

#### *Torture*

1) Any person who, in his capacity as an office holder pursuant to § 74 paragraph 1 sub-paragraph 4a letter a or b, at the instigation of any such office holder or with the express or tacit agreement of any such office holder, inflicts on another person serious physical or psychological pain or suffering, in particular with the objective of obtaining a testimony or confession from such other person or a third party, of punishing such other person for an act actually or allegedly committed by such other person or a third party, of intimidating or coercing such other person or a third party, or does so for discriminatory reasons, shall be punished with imprisonment of one to ten years.

2) However, if the act results in bodily harm with serious lasting consequences (§ 85), then the perpetrator shall be punished with

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461 § 312a inserted by L.GBl. 2019 no. 124.

imprisonment of five to fifteen years, but if act results in the death of the injured person, the punishment shall be imprisonment of ten to twenty years or for life.

3) An office holder within the meaning of the present provision shall also be any person who, in the event that the government agencies are absent or no longer operate actually acts as an office holder.

§ 312b<sup>462</sup>

*Making a person disappear*

Any person who, by the order of or with the approval of a state, or a political organisation, kidnaps another person or in any other manner deprives such person of his/her personal liberty and conceals the destiny or the whereabouts of the disappeared person shall be punished with imprisonment of one to ten years.

§ 313

*Offences while taking advantage of an official position*

If an intentional act that otherwise likewise carries a penalty is committed by an official while taking advantage of an opportunity afforded by his official position, then the maximum penalty of imprisonment or monetary penalty provided for may be exceeded by half in respect of that official. However, the time-limited term of imprisonment may not exceed twenty years.

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462 § 312b inserted by L.GBl. 2019 no. 124.

## Section 23

**Usurpation of office and obtaining an office by deception**

## § 314

*Usurpation of office*

Any person who usurps a public office or who, without authorization, performs an act which may be performed only by virtue of a public office shall be punished with imprisonment of up to six months or a monetary penalty of up to 360 daily rates.

§ 315<sup>463</sup>*Obtaining an office by deception*

Any person who knowingly deceives an institution authorized to transfer a public office about any fact that by law or regulation would exclude the transfer of a particular public office and thus effects that the public office is transferred to him shall be punished with imprisonment of up to one year or with a monetary penalty of up to 720 daily rates.

## Section 24

**Interference with the relations to a foreign country**

## § 316

*Attacks of high treason against a foreign state*

1) Any person who, by force or the threat of force, undertakes (§ 242 paragraph 2) in Liechtenstein to change the constitution of a foreign state or to separate territory belonging to a foreign state shall be punished with imprisonment of six months to five years.

2) § 243 shall apply mutatis mutandis.

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463 § 315 amended by L.GBl. 2019 no. 124.

## § 317

*Vilification of foreign symbols*

Any person who, in a manner that the act becomes known to the general public, spitefully insults, expresses contempt of otherwise vilifies a flag or a national emblem of a foreign state or an intergovernmental institution that was installed by a domestic authority or a representative office of the foreign state or the intergovernmental institution in accordance with the general rules of international law or under intergovernmental treaties, or the national anthem of a foreign state when it is played at a public event shall be punished with imprisonment of up to six months or with a monetary penalty of up to 360 daily rates.

## § 318

*Requirements of punishment*

1) In the cases set out in § 316 and § 317, the perpetrator may only be prosecuted upon application of the Government.

2) The perpetrator who commits punishable acts against an intergovernmental institution pursuant to § 317 shall be punished only if the Principality of Liechtenstein is a member of such institution.

## § 319

*Military intelligence service for a foreign state*

Any person who in Liechtenstein establishes or operates a military intelligence service for a foreign power or for a supranational or intergovernmental institution or who supports such an intelligence service in any manner whatsoever shall be punished with imprisonment of up to two years.

## § 320

*Support of a party in a foreign armed conflict*

2) Any person who, in Liechtenstein during a war or armed conflict in which the Principality of Liechtenstein does not participate or at imminent risk of such a war or conflict, for one of the parties involved knowingly

1. equips or arms a military formation or a watercraft, land vehicle, or aircraft of one of the parties in order to participate in activities of war,
2. establishes or maintains a volunteer corps or a recruitment office for such purpose or for the military service of one of the parties,
3. exports from or transits through Liechtenstein any weapons in violation of existing provisions,
4. grants a financial loan or arranges a public collection for military purposes, or
5. transmits military information or establishes or uses a communication system for this purpose,<sup>464</sup>

shall be punished with imprisonment of up to two years.

## Section 25

**Genocide, crimes against humanity and war crimes<sup>465</sup>**

## § 321

*Genocide*

1) Any person who, with the purpose of destroying, in whole or in part, a group determined by its affiliation with a church or religious group, a race, a people, a tribe, or a state, kills members of the group, causes serious bodily (§ 84 paragraph 1) or psychological harm to them, subjects the group to conditions of

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<sup>464</sup> § 320 paragraph 5 amended by LGBl. 2006 no. 94.

<sup>465</sup> § 320 sub-paragraph 5 amended by LGBl. 2006 no. 94.



life capable of bringing about the death of all members or any part of the group, imposes measures intended<sup>466</sup> to prevent births within the group, or, by force or the threat of force, transfers children of the group to another group, shall be punished with imprisonment for life.

2) Any person who conspires with another person to jointly commit any of the acts set out in paragraph 1 shall be punished with imprisonment of one to ten years.

§ 321a<sup>467</sup>

*Crimes against humanity*

1) Any person who, as part of a widespread or systematic attack directed against a civilian population,

1. kills another person (§ 75), or
2. with the purpose of destroying a population in whole or in part, subjects this population or parts thereof to conditions of life capable of causing their destruction in whole or in part,

shall be punished with imprisonment for life.

2) Any person who, as part of an attack described in paragraph 1, commits slavery (§ 104) shall be punished with imprisonment of ten to twenty years or for life, however, if the act results in the death of another person, the punishment shall be imprisonment for life.

3) Any person who, as part of an attack described in paragraph 1,

1. engages in trafficking in humans (§ 104a),
2. in violation of international law, deports or forcibly transfers the population from the area in which it is lawfully present to another area,
3. inflicts severe physical or mental pain or suffering upon a person who is in his custody or otherwise under his control, provided that such pain or suffering does not arise only from, is not only inherent in or incidental to, a lawful sanction,

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<sup>466</sup> Mistakenly reads “gerichtet” [typo] in the authentic version in German.

<sup>467</sup> § 321a inserted by LGBl. 2019 no. 124.

4. rapes (§ 200) or sexually assaults (§ 201) another person, coerces another person into prostitution (§ 106 paragraph 1 sub-paragraph 3), deprives another person of his or her fertility (§ 85 paragraph 1), or, with the purpose of affecting the ethnic composition of a population or committing other grave violations of international law, confines a woman made pregnant by use of force, or
5. makes a person disappear (§ 312b),

shall be punished with imprisonment of five to fifteen years, but if the act results in the death of a person, the penalty shall be imprisonment of ten to twenty years or for life.

4) Any person who, as part of an attack described in paragraph 1,

1. causes serious bodily harm (§ 84 paragraph 1) to another person,
2. in violation of international law deprives another person of his or her personal liberty in a serious manner, or
3. prosecutes an identifiable group or collectivity by depriving or significantly restricting such group's or such collectivity's fundamental human rights on political, racial, national, ethnic, cultural or religious grounds, on gender grounds or on other grounds recognised as impermissible under international law,

shall be punished with imprisonment of one to ten years, but if the act results in the death of a person or if the act is committed with the purpose of maintaining an institutionalised regime of systematic oppression and domination by one racial group over another shall be punished with imprisonment of five to fifteen years.

#### § 321b<sup>468</sup>

##### *War crimes against persons*

1) Any person who, in connection with an armed conflict, kills (§ 75) a person to be protected under international humanitarian law shall be punished with imprisonment for life.

2) Any person who, in connection with an armed conflict, takes a person to be protected under international humanitarian

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468 § 321b inserted by L.GBl. 2019 no. 124.

law hostage shall be punished with imprisonment of ten to twenty years, but if the act has results in the death of the victim, the punishment shall be imprisonment of ten to twenty years or for life.

3) Any person who, in connection with an armed conflict,

1. inflicts great physical or mental pain or suffering on a person to be protected under international humanitarian law who is in his custody or otherwise under his control, provided that such pain or suffering does not arise only from, is not only inherent in or incidental to, a lawful sanction, or
2. rapes (§ 200) or sexually assaults (§ 201) a person to be protected under international humanitarian law, coerces such person to be protected under international humanitarian law into prostitution (§ 106 paragraph 1 sub-paragraph 3), deprives another person of his or her fertility (§ 85 paragraph 1, or, with the purpose of affecting the ethnic composition of a population, confines a woman made pregnant by use of force

shall be punished with imprisonment of five to fifteen years, but if the act results in the death of the victim, the penalty shall be imprisonment of ten to twenty years or for life.

4) Any person who, in connection with an armed conflict,

1. inflicts great physical or mental pain or serious bodily harm (§ 84 paragraph 1) on a person to be protected under international humanitarian law,
2. conscripts or enlists persons below the age of 15 years into the armed forces or conscripts or enlists person below the age of 18 years into armed groups or uses persons below the age of 18 years to participate actively in hostilities,
3. deports or forcibly transfers to another area all or any part of the civilian population or causes such deportation or transfer to be carried out, unless it is a temporary displacement which is required with regard to the security of the civilian population or for imperative military reasons,
4. imposes or enforces a considerable penalty against a person to be protected under international humanitarian law without prior judgement against such protected person in a fair and regular trial which affords the legal guarantees required by international law,
5. puts a person to be protected under international humanitarian law who is in the power of another party to the conflict at risk

of death or serious damage to his or her health, by doing any of the following even with such person's consent:

- a) by carrying out experiments on such person which are neither medically necessary nor in such person's interest,
  - b) by removing tissue or organs from such person for transplantation purposes, unless this involves the taking of blood or skin for therapeutic purposes in line with universally accepted medical principles to which the person has previously voluntarily and expressly consented, or
  - c) subjects such person in any other manner to a medical procedure which is not justified by such person's state of health or which is not in line with universally accepted medical principles, or
6. treats a person to be protected under international humanitarian law in a severely humiliating or degrading manner,

shall be punished with imprisonment of one to ten years; if the act results in the death of the victim, the punishment shall be imprisonment of five to ten years.

5) Any person who, in connection with an international armed conflict,

1. unlawfully kidnaps or imprisons (§ 99) or unjustifiably delays the repatriation of a person to be protected under international humanitarian law,
2. as a member of an occupying power transfers part of its own civilian population into the occupied territory or deports or transfers all or any part of the population of the occupied territory within or outside this territory,
3. coerces (§ 105) a person to be protected under international humanitarian law to serve in the armed forces of a hostile power, or
4. coerces (§ 105) a national of the hostile party to take part in operations of war directed against their own country,

shall be punished with imprisonment of one to ten years.

6) Persons to be protected under international humanitarian law shall be persons protected within the meaning of the Geneva Conventions for the Protection of the Victims of War, LGBI. 1989 no. 18 to 21, and their Additional Protocols I and II (Protocol Additional to the Geneva Conventions and relating to the

Protection of Victims of International Armed Conflicts (Protocol I) including reservation, declaration and annexes, as well as Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), including reservation, LGBL 1989 no. 62 and 63), in particular wounded, sick, shipwrecked, members of the armed forces and fighters of the adverse party who have unconditionally surrendered or who are otherwise out of combat, prisoners of war and civilian persons, provided that and as long as the latter do not take directly part in hostilities.

§ 321c<sup>469</sup>

*War crimes against property and other rights*

Any person who, in connection with an armed conflict,

1. pillages or, except that this is required by the necessities of the armed conflict, in any other manner on a large scale destroys, appropriates or seizes property of the adverse party or its nationals in violation of international law,
2. on a large scale destroys or appropriates cultural property as defined by the Convention for the Protection of Cultural Property in the Event of Armed Conflict, LGBL 1960 no. 17/1, or
3. in violation of international law directs that the rights and actions of all or any part of the nationals of the adverse party are abolished or suspended or inadmissible in court,

shall be punished with imprisonment of one to ten years.

§ 321d<sup>470</sup>

*War crimes against international missions and improper use of distinctive and national emblems*

1) Any person who, in connection with an armed conflict,

1. directs an attack against persons, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the

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469 § 321c inserted by LGBL 2019 no. 124.

470 § 321d inserted by LGBL 2019 no. 124.

United Nations, as long as they are entitled to the protection given to civilians or civilian objects under international humanitarian law, or

2. directs an attack against persons, buildings, material, medical units or medical transport that, in accordance with international humanitarian law, use the distinctive emblems of the Geneva Conventions for the Protection of the Victims of War or their Additional Protocols I and II (Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of International Armed Conflicts (Protocol I) including reservation, declaration and annexes, as well as of the Protocol Additional to the Geneva Conventions and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), including reservation) and of the Protocol Additional to the Geneva Conventions and relating to the Adoption of an Additional Distinctive Emblem (Protocol III), LGBL 2007 no. 32,

shall be punished with imprisonment of one to ten years.

2) Any person who, in connection with an armed conflict, makes improper use of the distinctive emblems recognised by the Geneva Conventions for the Protection of the Victims of War or their Protocol III, the flag of truce or the flag, the military insignia or the uniform of the enemy, of neutral countries or other countries not involved in the conflict, or of the United Nations, and who, in doing so, causes another person's death or serious harm (§ 84 paragraph 1) to another person shall be punished with imprisonment of five to fifteen years, but if the act results in the death of another person, the penalty shall be imprisonment of ten to twenty years.

#### § 321e<sup>471</sup>

##### *War crime of the use of prohibited methods of warfare*

- 1) Any person who, in connection with an armed conflict,
  1. directs an attack against the civilian population as such or against individual civilians not taking direct part in hostilities,
  2. directs an attack against civilian objects, including cultural property, as long as they are protected as such by the international humanitarian law,

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471 § 321e inserted by LGBL 2019 no. 124.

3. carries out an attack against undefended places or demilitarized zones,
4. uses cultural property under enhanced protection or its immediate surroundings in support of any military action,
5. carries out an attack in respect of which such person knows (§ 5 paragraph 3) that the attack will cause the death of, or injury to, civilians or damage to civilian objects on a scale which is out of proportion to the concrete and direct overall military advantage anticipated,
6. carries out an attack against dams, dikes and nuclear power plants, unless they are civilian objects as defined by sub-paragraph 2, and knows (§ 5 paragraph 2) that the attack will cause the death of, or injury to, civilians or damage to civilian objects on a scale which is out of proportion to the concrete and direct overall military advantage anticipated,
7. carries out an attack and knows that the attack will cause widespread, long-term and severe damage to the natural environment,
8. uses a person to be protected under international humanitarian law (§ 321b paragraph 6) as a shield to prevent the enemy from taking military action against certain targets,
9. uses starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival or impedes relief supplies in violation of international humanitarian law,
10. as superior (§ 321g paragraph 2) orders or declares to a subordinate who is under his or her effective command or authority and control that no pardon will be given, or
11. treacherously kills or wounds a member of the enemy armed forces or a fighter of the adverse party,

shall be punished with imprisonment of one to ten years in the cases referred to in sub-paragraphs 1 to 10, and with imprisonment of five to fifteen years in the cases referred to in sub-paragraph 11.

2) If any of the act referred to in paragraph 1 sub-paragraphs 1 to 10 results in the serious harm (§ 84 paragraph 1) of a person to be protected under international humanitarian law (§ 321b paragraph 6), then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of any such person, the punishment shall be imprisonment of ten to twenty years.

§ 321f<sup>472</sup>*War crime of the use of prohibited means of warfare*

1) Any person who, in connection with an armed conflict,

1. employs poison or poisoned weapons
2. employs biological or chemical weapons or
3. employs bullets which expand or flatten easily in the human body, in particular bullets with a hard envelope which does not entirely cover the core or is pierced with incisions,

shall be punished with imprisonment of one to ten years.

2) If the act results in the serious bodily harm of another person (§ 84 paragraph 1), then the perpetrator shall be punished with imprisonment of five to fifteen years, but if the act results in the death of another person or if the employed means (paragraph 1) are designed for and capable of mass destruction, the punishment shall be imprisonment of ten to twenty years.

§ 321g<sup>473</sup>*Responsibility as superior*

1) Any person who as superior (paragraph 2) fails to prevent a subordinate who is under his or her effective command or authority and control from committing any of the acts referred to in this section shall be punished as if such person were the perpetrator of the act committed by the subordinate.

2) Superiors are military or civilian superiors as well as persons who, without being a military or civilian superior, exercise effective authority and control in a troop, a civilian organisation or in a corporation.

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472 § 321f inserted by LGBL 2019 no. 124.

473 § 321g inserted by LGBL 2019 no. 124.



§ 321h<sup>474</sup>*Violation of the duty of supervision*

1) A superior (§ 321 g paragraph 2) who omits to properly supervise a subordinate under his or her effective command or authority and control shall be punished with imprisonment of six months to five years, if the subordinate commits any act referred to in this section and if the imminent commission of such act was discernible to the superior and he or she could have prevented it.

2) Any person who as superior (§ 321g paragraph 2) negligently commits an act carrying a penalty under paragraph 1 shall be punished with imprisonment of up to three years.

§ 321i<sup>475</sup>*Omission to report an offence*

A superior (§ 321g paragraph 2) who omits to immediately give knowledge of an act referred to in this section and committed by a subordinate to the authorities responsible for the investigation or prosecution of any such acts shall be punished with imprisonment of six months to five years.

§ 321k<sup>476</sup>*Acting upon order or other directive*

The perpetrator shall not be punished for any of the acts referred to in § 321b to § 321i, if such perpetrator commits the act in execution of a military order or any other directive comparable in its binding effect, provided that the perpetrator does not realise that the order or directive is unlawful and provided that its unlawfulness is not manifest.

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474 § 321h inserted by LGBL 2019 no. 124.

475 § 321i inserted by LGBL 2019 no. 124.

476 § 321k inserted by LGBL 2019 no. 124.

§ 321<sup>477</sup>*Crime of aggression*

1) Any person who is in a position effectively to exercise control over or to direct the political or military action of a State and who initiates or executes an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations shall be punished with imprisonment of ten to twenty years.

2) Any person who plans or prepares any such act of aggression under the conditions set out in paragraph 1 shall be punished with imprisonment of five to ten years.

3) For the purpose of paragraph 1 “act of aggression” shall mean the use of armed forces by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations.

**Final part**<sup>478</sup>

## § 322

*Entry into force*<sup>479</sup>

This Act shall enter into force on 1 January 1989.

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477 § 321 inserted by LGBl. 2019 no. 124.

478 Heading preceding § 322 inserted by LGBl. 2019 no. 124.

479 § 322 subject heading inserted by LGBl. 2019 no. 124.

For the Reigning Prince:  
signed *Hans-Adam*  
Hereditary Prince

signed *Hans*  
*Brunhart*  
Princely Head of  
Government

## Transitional provisions

311 Criminal Code (StGB)

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**Liechtenstein Law Gazette**

Year 2007

No. 186

published on 27 July 2007

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**Act**  
of 23 May 2007  
**amending the Criminal Code**

I hereby grant My consent to the following resolution adopted by Parliament:

...

**III.****Transitional provision**

The criminal provisions amended as a result of the present Act shall not be applied to criminal matters in which the judgement of first instance was passed before the said criminal provisions entered into force<sup>480</sup>. After any such judgement has been set aside due to an ordinary means of appeal or any other relief, however, §1 and § 61 of the Criminal Code shall be applied.

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<sup>480</sup> Entry into force: 27 July 2007.

**Liechtenstein Law Gazette**

Year 2011

No. 184

published on 17 May 2011

**Act**  
of 16 March 2011  
**amending the Criminal Code**

I hereby grant My consent to the following resolution adopted by Parliament:

...

**II.****Transitional provision**

The criminal provisions amended as a result of the present Act shall not be applied to criminal matters in which the judgement of first instance was passed before the said criminal provisions entered into force<sup>481</sup>. After any such judgement has been set aside due to an ordinary means of appeal or any other relief, however, §1 and § 61 of the Criminal Code shall be applied.

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<sup>481</sup> Entry into force: 1 June 2011.

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**Liechtenstein Law Gazette**

Year 2013

No. 73

published on 08 February 2013

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**Act**  
of 20 December 2012  
**amending the Criminal Code**

I hereby grant My consent to the following resolution adopted by Parliament:

...

**II.****Transitional provision**

The criminal provisions amended as a result of the present Act shall not be applied to criminal matters in which the judgement of first instance was passed before the said criminal provisions entered into force<sup>482</sup>. After any such judgement has been set aside due to an ordinary means of appeal or any other relief, however, §1 and § 61 of the Criminal Code shall be applied.

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<sup>482</sup> Entry into force: 1 March 2013.

**Liechtenstein Law Gazette**

Year 2015

No. 371

published on 23 December 2015

**Act**  
of 06 November 2015  
**amending the Criminal Code**

I hereby grant My consent to the following resolution adopted by Parliament:

...

**II.****Transitional provisions**

1) § 165 paragraphs 1 and 2 shall not be applied to misdemeanours under article 140 of the Tax Act and articles 88 and 89 of the Value Added Tax Act which were committed prior to the entry into force of the present Act.

2) The previous § 165 paragraph 3a shall continue to be applicable to misdemeanours as defined by article 88 of the Value Added Tax Act which were committed prior to the entry into force<sup>483</sup> of the present Act.

3) The criminal provisions amended as a result of the present Act shall not be applied to criminal matters in which the judgement of first instance was passed before the said criminal provisions entered into force. After any such judgement has been set aside due to an ordinary means of appeal or any other relief, however, §1 and § 61 of the Criminal Code shall be applied.

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483 Entry into force: 1 January 2016.



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**Liechtenstein Law Gazette**

Year 2016

No. 14

published on 28 January 2016

**Act**  
of 02 December 2015  
**amending the Criminal Code**

I hereby grant My consent to the following resolution adopted by Parliament:

...

**II.****Transitional provision**

The criminal provisions amended as a result of the present Act shall not be applied to criminal matters in which the judgement of first instance was passed before the said criminal provisions entered into force<sup>484</sup>. After any such judgement has been set aside due to an ordinary means of appeal or any other relief, however, §1 and § 61 of the Criminal Code shall be applied.

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<sup>484</sup> Entry into force: 1 April 2016.

**Liechtenstein Law Gazette**

Year 2016

No. 161

published on 28 April 2016

**Act**  
of 03 March 2016  
**amending the Criminal Code**

I hereby grant My consent to the following resolution adopted by Parliament:

...

**III.****Transitional provision**

The criminal provisions amended as a result of the present Act shall not be applied to criminal matters in which the judgement of first instance was passed before the said criminal provisions entered into force<sup>485</sup>. After any such judgement has been set aside due to an ordinary means of appeal or any other relief, however, §1 and § 61 of the Criminal Code shall be applied.

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<sup>485</sup> Entry into force: 1 June 2016.

# Liechtenstein Law Gazette

Year 2019

No. 122

published on 29 April 2019

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## Act of 28 February 2019 amending the Criminal Code

I hereby grant My consent to the following resolution adopted by Parliament:

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### II.

#### Transitional provisions

1) § 165 paragraph 5 sub-paragraph 2 shall not be applied to misdemeanours under article 140 of the Tax Act and articles 88 and 89 of the Value Added Tax Act which were committed prior to the entry into force<sup>486</sup> of the present Act.

2) The criminal provisions amended as a result of the present Act shall not be applied to criminal matters in which the judgement of first instance was passed before the said criminal provisions entered into force. After any such judgement has been set aside due to an ordinary means of appeal or any other relief, however, §1 and § 61 of the Criminal Code shall be applied.

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<sup>486</sup> Entry into force: 1 July 2019.

# Liechtenstein Law Gazette

Year 2019

No. 124

published on 29 April 2019

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## Act of 28 February 2019 amending the Criminal Code

I hereby grant My consent to the following resolution adopted by Parliament:

...

### II.

#### Transitional provisions

1) The criminal provisions amended as a result of the present Act shall not be applied to criminal matters in which the judgement of first instance was passed before the said criminal provisions entered into force<sup>487</sup>. After any such judgement has been set aside due to an ordinary means of appeal or any other relief, however, §1 and § 61 of the Criminal Code shall be applied.

2) Any acts committed prior to the entry into force of this Act in respect of which the criminal liability has not yet expired then and in respect of which limitation is not excluded for any other reason shall not be subject to limitation if they fulfil the legal elements of an offence carrying a penalty pursuant to section 25 of the Criminal Code as amended by this Act.

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<sup>487</sup> Entry into force: 1 October 2019.

## Liechtenstein Law Gazette

Year 2019

No. 158

published on 29 June 2019

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### Act of 10 May 2019 amending the Criminal Code

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#### II.

##### Transitional provisions

The criminal provisions amended as a result of the present Act shall not be applied to criminal matters in which the judgement of first instance was passed before the said criminal provisions entered into force<sup>488</sup>. After any such judgement has been set aside due to an ordinary means of appeal or any other relief, however, §1 and § 61 of the Criminal Code shall be applied.

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488 Entry into force: 1 October 2019.