PENAL CODE

PENAL CODE

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FIRST PART

ENACTED PARTS Articles 111-1 to

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BOOK I

GENERAL PROVISIONS Articles 111-1 to 133-1

TITLE I

THE CRIMINAL LAW Articles 111-1 to 113-1

CHAPTER I

GENERAL PRINCIPLES Articles 111-1 to 111-5

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ARTICLE 111-1

Criminal offences are categorised as according to their seriousness as felonies, misdemeanours or petty offences.

ARTICLE 111-2

Statute defines felonies and misdemeanours and determines the penalties applicable to their perpetrators.

Regulations define petty offences and determine the penalties applicable to those who commit them, within the

limits and according to the distinctions established by law.

ARTICLE 111-3

No one may be punished for a felony or for a misdemeanour whose ingredients are not defined by statute, nor for a

petty offence whose ingredients are not defined by a regulation.

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No one may be punished by a penalty which is not provided for by the statute, if the offence is a felony or a

misdemeanour, or by a regulation, if the offence is a petty offence.

ARTICLE 111-4

Criminal legislation is to be construed strictly.

ARTICLE 111-5

Criminal courts have jurisdiction to interpret administrative decisions of a regulatory or individual nature, and to

appreciate their legality where the solution to the criminal case they are handling depends upon such examination.

CHAPTER II

OF THE OPERATIVE PERIOD OF A CRIMINAL LAW Articles 112-1 to 112-4

ARTICLE 112-1

Conduct is punishable only where it constituted a criminal offence at the time when it took place.

Only those penalties legally applicable at the same date may be imposed.

However, new provisions are applicable to offences committed before their coming into force and which have not

led to a res judicata conviction, when they are less severe than the previous provisions.

ARTICLE 112-2

The following are immediately applicable to the repression of offences committed before their coming into force:

1° laws governing jurisdiction and judicial organisation, provided no first instance judgment on the issue has been

pronounced;

2° laws determining the modes of prosecution and procedural formalities;

3° laws governing the execution and enforcement of penalties; however, where they would result in making the

penalties imposed by the sentence harsher, such laws will only be applicable to offences committed after their coming

into force;

4° where the limitation period has not expired, laws governing the limitation of the public prosecution and the

limitation of penalties.

ARTICLE 112-3

Laws governing the type and availability of means of review, as well as time-limits within which they are to be

instituted and the legal capacity of persons allowed to apply are applicable to remedies sought against decisions passed

after their coming into force. Remedies are covered by rules as to formalities which are in force at the time they are

sought.

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ARTICLE 112-4

The immediate application of a new law shall not affect the validity of procedural steps carried out in accordance

with any previous law.

However, the penalty ceases to be enforceable where it was imposed for a matter which, in consequence of any law

enacted after the judgment was passed, no longer amounts to a criminal offence.

CHAPTER III

OF THE TERRITORIAL APPLICABILITY OF A CRIMINAL LAW Articles 113-2 to 113-1

ARTICLE 113-1

For the application of the present Chapter, the territory of the Republic shall include the territorial waters and air

space which are attached to it.

SECTION I

OFFENCES COMMITTED OR DEEMED TO HAVE BEEN COMMITTED

WITHIN THE TERRITORY OF THE FRENCH REPUBLIC

Articles 113-2 to 113-5

ARTICLE 113-2

French Criminal law is applicable to all offences committed within the territory of the French Republic.

An offence is deemed to have been committed within the territory of the French Republic where one of its

constituent elements was committed within that territory.

ARTICLE 113-3

French Criminal law is applicable to offences committed on board ships flying the French flag, or committed against

such ships, wherever they may be. It is the only applicable law in relation to offences committed on board ships of the

national navy, or against such ships, wherever they may be.

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ARTICLE 113-4

French Criminal law is applicable to offences committed on board aircraft registered in France, or committed against

such aircraft, wherever they may be. It is the only applicable law in relation to offences committed on board French

military aircraft, or against such aircraft, wherever they may be.

ARTICLE 113-5

French criminal law is applicable to any person who, within the territory of the French Republic, is guilty as an

accomplice to a felony or misdemeanour committed abroad if the felony or misdemeanour is punishable both by French

law and the foreign law, and if it was established by a final decision of the foreign court.

SECTION II

OFFENCES COMMITTED OUTSIDE THE TERRITORY OF THE

FRENCH REPUBLIC

Articles 113-6 to 113-12

ARTICLE 113-6

French criminal law is applicable to any felony committed by a French national outside the territory of the French

Republic.

It is applicable to misdemeanours committed by French nationals outside the territory of the French Republic if the

conduct is punishable under the legislation of the country in which it was committed.

The present article applies even if the offender has acquired French nationality after the commission of the offence

of which he is accused.

ARTICLE 113-7

French Criminal law is applicable to any felony, as well as to any misdemeanour punished by imprisonment,

committed by a French or foreign national outside the territory of the French Republic, where the victim is a French

national at the time the offence took place.

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ARTICLE 113-8

In the cases set out under articles 113-6 and 113-7, the prosecution of misdemeanours may only be instigated at

the behest of the public prosecutor. It must be preceded by a complaint made by the victim or his successor, or by an

official accusation made by the authority of the country where the offence was committed.

ARTICLE 113-8-1

(Inserted by Act no. 2004-204 of 9 March 2004 article 19 Official Journal of 10 March 2004)

Without prejudice to the application of articles 113-6 to 113-8, French Criminal law is also applicable to any felony or

misdemeanour subject to a penalty of at least five years' imprisonment committed outside the territory of the French

Republic by an alien whose extradition to the requesting State has been refused by the French authorities either

because the offence for which the extradition has been requested is subject to a penalty or to a safety measure that is

contrary to French public policy, or because the person in question has been tried in the aforesaid State by a court

which does not respect the basic procedural guarantees and the rights of the defence, or because the matter in question

shows the characteristics of a political offence.

Prosecution for the offences set out in the first paragraph may only be initiated at the request of the public

prosecutor. It must be preceded by an official accusation, transmitted by the Minister of Justice, from the authorities in

the country where the offence has been committed and which has requested the extradition.

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ARTICLE 113-9

In the cases set out under articles 113-6 and 113-7 no prosecution may be initiated against a person who

establishes that he was subject to a final decision abroad for the same offence and, in the event of conviction, that the

sentence has been served or extinguished by limitation.

ARTICLE 113-10

(Act no. 2001-1168 of 11 December 2001 Article 17 Official Journal 12 December 2001)

French criminal law applies to felonies and misdemeanours defined as violations of the fundamental interests of the

nation and punishable under title I of Book IV, to forgery and counterfeiting of State seals, of coins serving as legal

tender, banknotes or public papers punishable under Articles 442-1, 442-2, 442-15, 443-1 and 444-1, and to any felony

or misdemeanour against French diplomatic or consular agents or premises committed outside the territory of the

French Republic.

ARTICLE 113-11

(Inserted by Act no. 92-1336 of 16 December art 340 Official Journal 23 December 1992 into force on 1 March 1994)

Subject to the provisions of article 113-9, French Criminal law is applicable to felonies and misdemeanours

committed on board or against aircraft not registered in France:

1° where the perpetrator or victim is a French national;

2° where the aircraft lands in France after the commission of the felony or misdemeanour;

3° where the aircraft was leased without crew to a natural or legal person whose main place of business, or failing

this, whose permanent residence is on French territory.

In the case provided for in 1° above, the nationality of the perpetrator or victim of the offence is determined in

accordance with article 113-6, last paragraph, and article 113-7.

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ARTICLE 113-12

(Inserted by Act no. 96-151 of 26 December 1996 art 9 Official Journal of 27 February 1996)

French Criminal law is applicable to offences committed beyond territorial waters, when international conventions

and the law provide for this.

The present article is applicable in the overseas territories, New Caledonia and the territorial collectivity of Mayote.

TITLE II

OF CRIMINAL LIABILITY Articles 121-1 to 122-8

CHAPTER I

GENERAL PROVISIONS Articles 121-1 to 121-7

ARTICLE 121-1

No one is criminally liable except for his own conduct.

ARTICLE 121-2

(Act no. 2000-647 of 10 July article 8 Official Journal of 11 July 2000)

(Act no. 2004-204 of 9 March 2004 article 54 Official Journal of 10 March 2004)

Legal persons, with the exception of the State, are criminally liable for the offences committed on their account by

their organs or representatives, according to the distinctions set out in articles 121-4 and 121-7.

However, local public authorities and their associations incur criminal liability only for offences committed in the

course of their activities which may be exercised through public service delegation conventions.

The criminal liability of legal persons does not exclude that of any natural persons who are perpetrators or

accomplices to the same act, subject to the provisions of the fourth paragraph of article 121-3.

ARTICLE 121-3

(Act no. 1996-393 of 13 May 1996 Article 1 Official Journal of 14 May 1996; Act no. 2000-647 of 10 July article 1 Official

Journal of 11 July 2000)

There is no felony or misdemeanour in the absence of an intent to commit it.

However, the deliberate endangering of others is a misdemeanour where the law so provides.

A misdemeanour also exists, where the law so provides, in cases of recklessness, negligence, or failure to observe

an obligation of due care or precaution imposed by any statute or regulation, where it is established that the offender

has failed to show normal diligence, taking into consideration where appropriate the nature of his role or functions, of his

capacities and powers and of the means then available to him.

In the case as referred to in the above paragraph, natural persons who have not directly contributed to causing the

damage, but who have created or contributed to create the situation which allowed the damage to happen who failed to

take steps enabling it to be avoided, are criminally liable where it is shown that they have broken a duty of care or

precaution laid down by statute or regulation in a manifestly deliberate manner, or have committed a specified piece of

misconduct which exposed another person to a particularly serious risk of which they must have been aware.

There is no petty offence in the event of force majeure.

ARTICLE 121-4

The perpetrator of an offence is the person who:

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1° commits the criminally prohibited act;

2° attempts to commit a felony or, in the cases provided for by Statute, a misdemeanour.

ARTICLE 121-5

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An attempt is committed where, being demonstrated by a beginning of execution, it was suspended or failed to

achieve the desired effect solely through circumstances independent of the perpetrator's will.

ARTICLE 121-6

The accomplice to the offence, in the meaning of article 121-7, is punishable as a perpetrator.

ARTICLE 121-7

The accomplice to a felony or a misdemeanour is the person who knowingly, by aiding and abetting, facilitates its

preparation or commission.

Any person who, by means of a gift, promise, threat, order, or an abuse of authority or powers, provokes the

commission of an offence or gives instructions to commit it, is also an accomplice.

CHAPTER II

GROUNDS FOR ABSENCE OR ATTENTUATION OF LIABILITY Articles 122-1 to 122-8

ARTICLE 122-1

A person is not criminally liable who, when the act was committed, was suffering from a psychological or

neuropsychological disorder which destroyed his discernment or his ability to control his actions.

A person who, at the time he acted, was suffering from a psychological or neuropsychological disorder which

reduced his discernment or impeded his ability to control his actions, remains punishable; however, the court shall take

this into account when it decides the penalty and determines its regime.

ARTICLE 122-2

A person is not criminally liable who acted under the influence of a force or constraint which he could not resist.

ARTICLE 122-3

A person is not criminally liable who establishes that he believed he could legitimately perform the action because of

a mistake of law that he was not in a position to avoid.

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ARTICLE 122-4

A person is not criminally liable who performs an act prescribed or authorised by legislative or regulatory provisions.

A person is not criminally liable who performs an action commanded by a lawful authority, unless the action is

manifestly unlawful.

ARTICLE 122-5

A person is not criminally liable if, confronted with an unjustified attack upon himself or upon another, he performs at

that moment an action compelled by the necessity of self-defence or the defence of another person, except where the

means of defence used are not proportionate to the seriousness of the attack.

A person is not criminally liable if, to interrupt the commission of a felony or a misdemeanour against property, he

performs an act of defence other than wilful murder, where the act is strictly necessary for the intended objective the

means used are proportionate to the gravity of the offence.

ARTICLE 122-6

A person is presumed to have acted in a state of self-defence if he performs an action

1° to repulse at night an entry to an inhabited place committed by breaking in, violence or deception;

2° to defend himself against the perpetrators of theft or pillage carried out with violence.

ARTICLE 122-7

A person is not criminally liable if confronted with a present or imminent danger to himself, another person or

property, he performs an act necessary to ensure the safety of the person or property, except where the means used

are disproportionate to the seriousness of the threat.

ARTICLE 122-8

(Act no. 2002-1138 of 9 September 2002 art. 11 Official Journal of 10 September 2002)

Minors able to understand what they are doing are criminally responsible for the felonies, misdemeanours or petty

offences of which they have been found guilty, and are subject to measures of protection, assistance, supervision and

education according to the conditions laid down by specific legislation.

This legislation also determines the educational measures that may be imposed upon minors aged between ten and

eighteen years of age, as well as the penalties which may be imposed upon minors aged between thirteen and eighteen

years old, taking into account the reduction in responsibility resulting from their age.

TITLE III

OF PENALTIES Articles 131-1 to 133-1

CHAPTER I

OF THE NATURE OF PENALTIES Articles 131-1 to 131-49

SECTION I

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PENALTIES APPLICABLE TO NATURAL PERSONS Articles 131-1 to

131-36-8

Subsection 1

Penalties for felonies Articles 131-1 to 131-2

ARTICLE 131-1

The penalties incurred by natural persons for the commission of felonies are:

1° criminal imprisonment for life or life criminal detention;

2° criminal imprisonment or criminal detention for a maximum of thirty years;

3° criminal imprisonment or criminal detention for a maximum of twenty years;

4° criminal imprisonment or criminal detention for a maximum of fifteen years.

The minimum period for a fixed term of criminal imprisonment or criminal detention is ten years.

ARTICLE 131-2

The penalties of criminal imprisonment or criminal detention do not preclude the imposition of a fine and of one or

more of the additional penalties set out under article 131-10.

Subsection 2

Of penalties for misdemeanours Articles 131-3 to 131-9

ARTICLE 131-3

The penalties incurred by natural persons for the commission of misdemeanours are:

1° imprisonment;

2° a fine;

3° a day-fine;

4° a citizenship course;

5° community service;

6° penalties entailing a forfeiture or restriction of rights, set out under article 131-6;

7° the additional penalties set out under article 131-10.

ARTICLE 131-4

(Act no. 2003-239 of 18 March 2003 Art. 48 Official Journal of 19 March 2003)

The scale of custodial sentences is as follows:

1° A maximum of ten years;

2° A maximum of seven years;

3° A maximum of five years;

4° A maximum of three years;

5° A maximum of two years;

6° A maximum of one year;

7° A maximum of six months;

8° A maximum of two months.

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ARTICLE 131-5

(Act no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

(Act no.2004-204 of 9 March 2004 Article 173 1°Official Journal of 10 March 2004 in force 1 January 2005)

Where a misdemeanour is punishable by imprisonment, the court may order a day-fine. This requires the convicted

person to pay the Treasury a sum, the total amount of which is a daily contribution determined by the judge, multiplied

by a certain number of days. The amount of each day-fine is determined by taking into account the income and

expenses of the accused. It may not exceed €1000. The number of day-fines is determined by taking into account the

circumstances of the offence; it may not exceed three hundred and sixty.

ARTICLE 131-5-1

(Act no.2004-204 of 9 March 2004 Article 44 II Official Journal of 10 March 2004 in force 1 October 2004)

Where a misdemeanour is punished by a prison sentence, the court may, instead of imprisonment, order the

convicted person to complete a citizenship course, the methods, length and content of which are fixed by a decree of the

Conseil d'Etat, and the purpose of which is to remind the offender of the republican values of tolerance, respect of

personal dignity upon which society is based. The court determines whether this course, the cost of which may not

exceed that a fine for a petty offence of the third class, is to be carried out at the convicted person's expense.

This penalty may not be imposed on a defendant who rejects it or who is not present at the hearing.

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ARTICLE 131-6

(Act no. 92-1336 of 16 December 1992 Article 341 and 373 Official Journal of 23 December 1992 in force on 1 March

1994)

(Inserted by Act no. 2003-495 of 12 June 2003 art. 6 III Official Journal of 13 June 2003)

(Act no.2004-204 of 9 March 2004 Article 44 V Official Journal of 10 March 2004 in force 1 October 2004)

Where a misdemeanour is punishable by a prison sentence, the court may impose one or more of the following

penalties entailing forfeiture or restriction of rights instead of the prison term:

1° the suspension of a driving licence for a maximum period of five years. This suspension may be restricted to the

driving of a vehicle outside professional activities, pursuant to conditions to be determined by a decree of the Conseil

d'Etat; this limitation is, however, not possible in misdemeanour cases for which the suspension of the driving licence,

incurred as an additional penalty, may not be limited to driving outside professional activities.

2° prohibition to drive certain vehicles for a period not exceeding five years;

3° the cancellation of the driving licence together with the prohibition to apply for a new licence for a period not

exceeding five years;

4° confiscation of one or more vehicles belonging to the convicted person;

5° immobilisation of one or more vehicles belonging to the convicted person pursuant to conditions determined by a

decree of the Conseil d'Etat for a maximum period of one year;

6° prohibition to hold or carry a weapon for which a permit is needed; such a prohibition may not be imposed for

more than five years;

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7° confiscation of one or more weapons belonging to the convicted person or which are freely available to him;

8° withdrawal of a hunting licence, together with a prohibition to apply for a new licence; such a prohibition may not

be imposed for more than five years;

9° prohibition to draw cheques, except those allowing the withdrawal of funds by the drawer from the drawee or

certified cheques, and prohibition to use payment cards, for a maximum duration of five years;

10° confiscation of the thing which was used in or was intended for the commission of the offence, or of the thing

which is the product of it. However, this confiscation may not be imposed for a press misdemeanour;

11° prohibition, for a maximum period of five years, to exercise any professional or social activity where the facilities

afforded by such activity have knowingly been used to prepare or commit the offence. Such a prohibition is not

applicable to the holding of an electoral mandate or union stewardship, nor may it be imposed for a press

misdemeanour;

12° prohibition, for a maximum period of three years, to frequent any places or categories of place determined by

the court, and in which the offence was committed;

13° prohibition, for a maximum period of three years, to associate with certain convicted persons designated by the

court, in particular the perpetrators of the offence or any accomplices;

14° prohibition , for a maximum period of three years, to enter into contact with certain persons specially named by

the court, notably the victim of the offence .

ARTICLE 131-7

(Act no.2004-204 of 9 March 2004 Article 44 VI Official Journal of 10 March 2004 in force 1 October 2004)

For misdemeanours which are punishable only by a fine, the penalty of forfeiture or restriction of rights enumerated

under article 131-6 may also be imposed instead of the fine.

ARTICLE 131-8

(Act no.2004-204 of 9 March 2004 Article 44 VII, Article 174 1° Official Journal of 10 March 2004 in force 1 January

2005)

Where a misdemeanour is punishable by imprisonment, the court may, as an alternative to imprisonment, order the

convicted person to perform, for a period of forty to two hundred and ten hours, unpaid community service in the interest

of a public law body or of an association accredited to set up community service.

Community service may not be imposed upon a defendant who rejects it or who is not present at the hearing.

Before passing the sentence, the president of the court, must inform the defendant of his right to refuse to perform

community service and record his response.

ARTICLE 131-9

(Act no.2004-204 of 9 March 2004 Article 44 VIII Official Journal of 10 March 2004 in force 1 October 2004)

Imprisonment may not be imposed cumulatively with any of the penalties entailing forfeiture or restriction of rights

set out under article 131-6, nor with community service.

When imposing one or more of the penalties set out under articles 131-5-1, 131-6 or 131-8, the court may fix the

maximum period of imprisonment or monetary penalty which the penalty enforcement judge may order to be wholly or

completely enforced, under the conditions set out under article 712-6 of the Code of Criminal Procedure, if the convicted

person fails to respect any obligations or prohibitions arising from the penalty or penalties imposed. The president of the

court gives the convicted person notice of this after pronouncing his decision. The prison sentence or the fine which the

court fixes may not exceed the penalties incurred for the misdemeanour for which the judgment has been pronounced,

nor those provided for by article 434-41 of the present code. Where the provisions of the first paragraph are applied, the

provisions of article 434-41 are thus not applicable.

A day-fine may not be imposed cumulatively with a fine.

Subsection 3

Additional penalties incurred for certain felonies or misdemeanours Articles 131-10 to

131-11

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ARTICLE 131-10

(Act no. 1998-468 of 17 June 1998 Article 5 Official Journal of 18 June 1998)

Where the law so provides, a felony or a misdemeanour may be punished by one or more additional penalties

sanctioning natural persons which entail prohibition, forfeiture, incapacity or withdrawal of a right, an obligation to seek

treatment or a duty to act, the impounding or confiscation of a thing, the compulsory closure of an establishment, the

posting a public notice of the decision or the dissemination the decision in the press, or its communication to the public

by any means of electronic communication.

ARTICLE 131-11

Where a misdemeanour is punishable by one or more of the additional penalties enumerated under article 131-10,

the court may decide to impose as a main sentence one or more of the additional penalties.

The court may fix the maximum period of imprisonment or monetary penalty which the penalty enforcement judge

may order to be wholly or completely enforced, under the conditions set out under article 712-6 of the Code of Criminal

Procedure, if the convicted person fails to respect any obligations or prohibitions arising from the penalty or penalties

imposed under the provisions of this article. The president of the court gives the convicted person notice of this after

pronouncing his decision. The prison sentence or the fine which the court fixes may not exceed the penalties incurred

for the misdemeanour for which the judgment has been pronounced, nor those provided for by article 434-41 of the

present code. Where the provisions of the first paragraph are applied, the provisions of article 434-41 are thus not

applicable.

Subsection 4

Of penalties for petty offences Articles 131-12 to

131-18

ARTICLE 131-12

The penalties incurred by natural persons for the commission of petty offences are:

1° a fine;

2° the penalties entailing a forfeiture or restriction or rights set out under article 131 1-14.

These penalties do not preclude the imposition of one or more of the additional penalties set out under articles

131-16 and 131-17.

ARTICLE 131-13

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force on 1 January

2002)

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(Act no. 2003-495 of 12 June 2003 art. 4 I Official Journal of 13 June 2003)

Petty offences are offences which by law are punished with a fine not in excess of €3,000.

The amount of a fine is as follows:

1° a maximum of €38 for petty offences of the first class;

2° a maximum of €150 for petty offences of the second class;

3° a maximum of €450 for petty offences of the third class;

4° a maximum of €750 for petty offences of the fourth class;

5° a maximum of €1,500 for petty offences of the fifth class; an amount which may be increased to €3,000 in the

case of a persistent offender where the regulation so provides, except where the law provides that repetition of a petty

offence constitutes a misdemeanour.

NOTE: Law no. 2005-47, article 11: These provisions come into force on the first day of the third month following

their publication. Nevertheless, cases of which the police court or the neighbourhood court were lawfully seised at that

date remain within the jurisdiction of those courts.

ARTICLE 131-14

(Act no. 2003-495 of 12 June 2003 art. 5 II Official Journal of 13 June 2003)

In relation to any petty offence of the fifth class one or more of the following penalties entailing forfeiture or

restriction of rights may be imposed:

1° suspension of a driving licence for a maximum duration of one year. This suspension may be restricted to the

driving of a vehicle outside professional activities; but this limitation is not possible for an offence for which the

suspension of the driving licence, incurred as an additional penalty, may not be limited to driving outside professional

activities;

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2° immobilisation of one or more vehicles belonging to the convicted person, for a maximum period of six months;

3° confiscation of one or more weapons belonging to the convicted person or freely available to him;

4° withdrawal of a hunting licence, together with a prohibition to apply for the issue of a new licence for a maximum

period of one year;

5° prohibition to draw cheques, except those allowing the withdrawal of funds by the drawer from the drawee or

certified cheques, and the prohibition to use payment cards, for a maximum period of five years;

6° confiscation of the thing which was used or was intended for the commission of the offence, or of the thing which

is the product of the offence. However, this confiscation may not be imposed for a press misdemeanour.

ARTICLE 131-15

A fine may not be imposed together with any of the penalties entailing forfeiture or restriction of rights enumerated

under article 131-14.

Penalties entailing forfeiture or restriction of rights enumerated under this article may be imposed cumulatively.

ARTICLE 131-16

(Inserted by Act no. 2003-495 of 12 June 2003 art. 5 III Official Journal of 13 June 2003)

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(Act no. 2004-204 of 9 March 2004 article 44 III Official Journal of 10 March 2004, in force 1 October 2004)

Where the offender is a natural person, the regulation which sanctions a petty offence may provide for one or more

of the following additional penalties:

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1° suspension of a driving licence for a maximum period of three years. This suspension may be restricted to the

driving of a vehicle outside professional activities unless the regulation expressly excludes this limitation;

2° prohibition to hold or carry a weapon for which a permit is needed, for a maximum period of three years;

3° confiscation of one or more weapons belonging to the convicted person or freely available to him;

4° withdrawal of a hunting licence, together with a prohibition to apply for a new licence, for a maximum period of

three years;

5° confiscation of the thing which was used or intended to be used for the commission of the offence, or of the thing

which is the product of the offence;

6° prohibition from driving certain types of motor vehicle, including those for which no driving licence is required, for

a maximum period of three years;

7° the obligation to complete, at the offender's expense, a road safety awareness course;

8° the obligation to complete a citizenship course, at the offender's expense, if appropriate.

ARTICLE 131-17

A regulation which sanctions a petty offence of the fifth class may also provide for the additional penalty of

prohibition to draw cheques, except those allowing the withdrawal of funds by the drawer from the drawee or certified

cheques, for a maximum period of three years.

A regulation which sanctions a petty offence of the fifth class may also provide, as an additional penalty, the

imposition of community service for a period of twenty to a hundred and twenty hours.

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ARTICLE 131-18

Where a petty offence is punishable by one or more of the additional penalties referred to under articles 131-16 and

131-17, the court may decide to impose only the additional penalty, or one or more of the additional penalties.

Subsection 5

The contents and modes of implementation of certain penalties Articles 131-19 to

131-35-1

ARTICLE 131-19

Prohibition to draw cheques entails for the convicted person the mandatory obligation to return all the forms in his

possession or in the possession of his agents to the banker who issued them.

Where this prohibition is incurred as an additional penalty for a felony or misdemeanour, it may not exceed five

years.

ARTICLE 131-20

The prohibition to use payment cards entails for the convicted person the mandatory obligation to return the cards in

his possession or in the possession of his agents to the banker who issued them.

Where this prohibition is incurred as an additional penalty for a felony or misdemeanour, it may not exceed five

years.

ARTICLE 131-21

(Act no. 92-1336 of 16 December 1992 Articles 342, 343 and 373 Official Journal of 23 December 1992 into force 1

March 1994)

(Act no. 2003-495 of 12 June 2003 art. 6 II Official Journal of 13 June 2003)

(Act no. 2004-204 of 9 March 2004 article 60 II Official Journal of 10 March 2004)

Confiscation is mandatory for the articles defined as dangerous or noxious by statute or by regulations.

Confiscation affects the thing which was used or intended for the commission of the offence or of the thing which is

its product, except for articles subject to restitution. It may also relate to any movable property defined by the statutes or

the regulations sanctioning the offence.

The subject-matter of an offence is treated as a thing used for the commission of the offence or the product of an

offence in the sense of paragraph two above.

Where the thing confiscated has not been seized or cannot be produced, confiscation in value is imposed. For the

recovery of the sum representing the value of the thing confiscated, the provisions governing judicial enforcement of

public debts apply.

The thing confiscated devolves to the State, except where a specific provision prescribes its destruction or its

attribution, but remains encumbered up to its full value with any proprietary right lawfully created in favour of third

parties.

Where the thing confiscated is a vehicle that has not been seized or impounded during the investigation, the

offender must, on the orders of the public prosecutor, hand over the vehicle to the department or organisation

responsible for destroying or disposing of it.

ARTICLE 131-22

(Act no. 92-1336 of 16 December 1992 Articles 342 and 373 Official Journal of 23 December 1992 in force on 1 March

1994)

(Act no. 2003-495 of 12 June 2003 art. 5 IV Official Journal 13 June 2003)

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(Act no. 2004-204 of 9 March 2004 article 174 2° Official Journal of 10 March 2004, in force 31 December 2006)

A court imposing community service shall determine the period within which the community service work is to be

performed, which shall not exceed twelve months. It also determines the prison sentence or fine incurred by the

convicted person for failure to comply with the terms of the community service sentence. The period expires on the

completion of the entire work. It may be temporarily suspended on serious medical, familial, professional or social

grounds. The time limit is suspended for the time during which the convicted person is imprisoned, or while he

discharges national service duties.

The terms for carrying out the community service order and the suspension of the period set out in the previous

paragraph are decided by the penalty enforcement judge within whose territorial jurisdiction the convicted person has his

usual residence, or where he does not have a usual residence in France, by the penalty enforcement judge attached to

the court that decided the case at first instance.

Where the person has been convicted of a misdemeanour provided for by the Traffic Code or articles 221-6-1,

222-19-1, 222-20-1 and 434-10, the offender should preferably carry out community service in one of the specialist

centres dealing with victims of road traffic accidents.

During the period provided for by the present article, the convicted person must comply with the supervision

measures set out under article 132-55.

ARTICLE 131-23

Community service work is governed by the legal and regulatory prescriptions concerning night work, hygiene and

security, as well as those relating to women and young persons at work. Community service work may be executed at

the same time as a professional activity.

ARTICLE 131-24

The State is answerable for the damage or portion of damage which is caused to a third party by a convicted person

and which directly results from the implementation of a decision carrying the obligation to perform community service.

The State is subrogated as of right to the claims of the victim.

Proceedings for damages or indemnification are brought before the judicial courts.

ARTICLE 131-25

(Act no. 2004-204 of 9 March 2004 article 173 2° Official Journal of 10 March 2004, in force 1 January 2005

Where a day-fine is imposed the total sum is payable upon expiry of the period corresponding to the number of

day-fines imposed.

Total or partial failure to pay this amount leads to the imprisonment of the convicted person for a time equal to the

number of unpaid day-fines. This is carried out according to the rules for the enforcement of public debts. Detention so

imposed comes under the regime of custodial sentences.

ARTICLE 131-26

Forfeiture of civic, civil and family rights covers:

1° the right to vote;

2° the right to be elected;

3° the right to hold a judicial office, or to give an expert opinion before a court, or to represent or assist a party

before a court of law;

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4° the right to make a witness statement in court other than a simple declaration;

5° the right to be tutor or curator; this prohibition does not preclude the right to become a tutor or a curator of one's

own children, after obtaining the guardianship judge's approval, and after having heard the family council.

Forfeiture of civic, civil and family rights may not exceed a maximum period of ten years in the case of a sentence

imposed for a felony and a maximum period of five years in the case of a sentence imposed for a misdemeanour.

The court may impose forfeiture of all or part of these rights.

The forfeiture of the right to vote or to be elected imposed pursuant to the present article also entails the prohibition

or incapacity to hold public office

ARTICLE 131-27

Where it is incurred as an additional penalty for a felony or a misdemeanour, the prohibition to exercise a public

office or a professional or social activity is either permanent or temporary. In the latter case, the prohibition may not

exceed a term of five years.

This prohibition may not be enforced against the discharge of an electoral mandate or union stewardship. Nor is it

applicable for a press misdemeanour.

ARTICLE 131-28

The prohibition to exercise a professional or social activity may affect either the professional or social activity in the

exercise of which, or on the occasion of which, the offence was committed, or any other professional or social activity

defined by the law punishing the offence.

ARTICLE 131-29

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Where the prohibition to exercise all or part of the rights enumerated under article 131-26 or the prohibition to

exercise a public office or a social or professional activity are imposed together with an immediate custodial sentence,

these sanctions are enforceable from the beginning of this sentence and they continue for the length of time determined

by the decision, from the day when the custodial sentence ends.

ARTICLE 131-30

(Act no. 93-1027 of 24 August 1993 Article 33 Official Journal of 29 August 1993)

(Act no. 97-396 of 24 April Article 16 Official Journal of 25 April 1997)

(Act no. 98-349 of 11 May 1998 Article 37 Official Journal of 12 May 1998)

(Act no. 2003-1119 of 26 November 2003 Article 78 I Official Journal of 27 November 2003)

Where it is provided for by Statute, banishment from French territory may be ordered, either permanently or for a

maximum period of ten years, against any alien convicted of a felony or a misdemeanour.

Banishment from French territory automatically involves the removal of the convicted person to the frontier, at the

end of his prison sentence, where applicable.

Where banishment from French territory is imposed together with an immediate custodial sentence, its enforcement

is suspended during the execution of the sentence. It resumes from the day when the custodial sentence has ended, for

the length of time determined by the convicting judgment.

Banishment from French territory imposed at the same time as a custodial sentence does not prevent the sentence

being made subject to measures of semi-liberty, external placement, placement under electronic surveillance or

permission to leave prison, with a view to preparing a request for the ban to be lifted.

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Article 131-30-1

(Inserted by Act no. 2003-1119 of 26 November 2003 Article 78 II Official Journal of 27 November 2003

In misdemeanour cases the court may only order banishment from French territory by means of a specially

reasoned judgment which takes the seriousness of the offence and the personal and familial situation of an alien into

account where the case involves:

1° an alien, who is not living in a polygamous relationship, who is the father or mother of a French minor who

resides in France, on condition that he or she shows he or she has actively contributed to the support or education of the

child under the conditions provided for by article 371-2 of the Civil Code from the latter's birth, or for at least a year;

2° an alien who has been married to a French national for at least two years, provided that the marriage took place

before the offence leading to the conviction, that conjugal life is continuing, and that the spouse has retained French

nationality;

3° an alien who establishes by any means that he has ordinarily resided in France for more than fifteen years,

unless at any time during this period he has held a temporary residence permit for students;

4° an alien who has been lawfully resident in France for more than ten years, unless he has ever, during this period,

held a temporary residence permit for students;

5° an alien who is in receipt of an industrial accident or occupational disease annuity paid by a French organisation,

and for whom the rate of permanent incapacity is equal to or greater than 20%.

Article 131-30-2

(Inserted by Act no. 2003-1119 of 26 November 2003 Article 78 II Official Journal of 27 November 2003

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Banishment from French territory may not be ordered where the case involves

1° an alien who establishes by any means that he has been habitually resident in France since the age of thirteen

years or before;

2° an alien who has been lawfully resident in France for more than twenty years;

3° an alien who has been lawfully resident in France for at least ten years and who, while not living in a polygamous

relationship, has been married for at least three years to a French national who has retained French nationality, provided

that the marriage took place before the offence leading to the conviction, and that conjugal life is continuing; or that the

alien is married, under the same conditions, to a foreign national who comes under the provisions of 1°;

4° an alien, who has lawfully resided in France for more than ten years, and is not living in a polygamous

relationship, who is the father or mother of a French minor who resides in France, on the condition that he or she shows

that he or she has actively contributed to the support or education of the child under the conditions provided for by article

371-2 of the Civil Code, since the birth of the child or for at least a year;

5° an alien who has been residing in France by means of a residence permit provided for by 11° of article 12 bis of

Decree no. 45-2658 of 2 November 1945 relating to the conditions of entry and residence of foreigners in France.

The provisions set out in 3° and 4° are, however, inapplicable where the offence that led to the conviction was

committed against the alien's spouse or children.

The provisions of the present article are not applicable to offences involving violation of the fundamental interests of

the nation, provided for by chapters I, II and IV of title I of book IV and by articles 413-1 to 413-4, 413-10 and 413-11, or

acts of terrorism provided for by articles 431-14 to 431-17, or by counterfeiting offences provided for by articles 442-1 to

442-4.

ARTICLE 131-31

The penalty of banishment from a specified area entails prohibition to appear in certain places determined by the

court. Supervision and support measures are also imposed. The list of the prohibited places and the supervision and

support measures to be imposed may be modified by the penalty enforcement judge, pursuant to the conditions set

down by the Code of Criminal Procedure.

Banishment from an area may not exceed a period of ten years in the case of a conviction for a felony, and five

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years in the case of a conviction for a misdemeanour.

ARTICLE 131-32

Where area banishment is imposed together with an immediate custodial sentence, it applies from the beginning of

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the custodial sentence and its execution continues for the period fixed when the sentence was imposed, running from

the day on which the custodial sentence ends.

Any detention served during the area banishment period is deducted from this period.

Subject to the application of article 763 of the Code of Criminal Procedure, area banishment ceases as of right

when the convicted person reaches the age of sixty-five.

ARTICLE 131-33

Mandatory closure of an establishment entails the prohibition to exercise on such premises the activity that

occasioned the commission of the offence.

ARTICLE 131-34

Disqualification from public tenders entails prohibition to participate, directly or indirectly, in any contract concluded

by the State and its public bodies, territorial collectivities, their associations and public bodies, as well as enterprises

granted as a concession or controlled by the State or by territorial collectivities or their associations.

ARTICLE 131-35

(Act no. 2004-575 of 21 June 2004 Article 2 III Official Journal of 22 June 2004)

The penalty of displaying a notice of the decision or otherwise disseminating it is carried out at the convicted

person's expense. However, the expenses recovered against a convicted person may not exceed a sum in excess of

any fine applicable.

The court may order the display or circulation of all or a part of the decision, or of a communiqué informing the

public of the contents of the decision and its reasons. It shall determine, where appropriate, the extracts of the decision

and the terms of the communiqué to be displayed or circulated.

The display or dissemination of the decision or communiqué may disclose the identity of the victim only with his

agreement, or with that of his legal representative or successor.

A public display order is carried out in such places and for such a period as the court determines. Unless the Statute

sanctioning the offence otherwise provides, a public display may not extend beyond two months. If the notices posted

are removed, concealed or torn, a renewed display is made at the expense of the person found guilty of so doing.

Circulation of the decision is made by the Official Journal of the Republic, by one or more other press publications,

or by one or more means of electronic public communication. The publications or means of electronic communication

entrusted with that circulation are designated by the court. They may not refuse to carry them.

ARTICLE 131-36

A Decree of the Conseil d'État shall determine the conditions of application of the provisions of this sub-section of

the present Code.

This Decree shall also lay down the conditions under which convicted persons carry out their community service as

well as the nature of the work to be given.

It shall determine in addition the conditions according to which:

1° the penalty enforcement judge, after hearing the opinion of the public prosecutor and consulting any public

institution with competence in the field of the prevention of crime, establishes the list of the community service work

liable to be performed within his jurisdiction;

2° community service work, for those who are employed, may extend beyond the maximum legal working week;

3° associations referred to under the first paragraph of Article 131-8 are accredited to offer community service work.

ARTICLE 131-35-1

(Inserted by Act no. 2003-495 of 12 June 2003 art. 6 III Official Journal of 13 June 2003)

Where it is incurred as an additional penalty, the obligation to complete a road safety awareness course is carried

out at the expense of the offender, within six months from the date on which the sentence becomes final.

Upon completion of the course, the offender receives a certificate which he must send to the district prosecutor.

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Subsection 6

Of socio-judicial probation Articles 131-36-1 to

131-36-8

ARTICLE 131-36-1

(Inserted by Act no. 1998-468 of 17 June 1998 Article 1 Official Journal of 18 June 1998)

(Act no. 2004-204 of 9 March 2004 article 46 Official Journal of 10 March 2004)

Where the law so provides, the trial court may order socio-judicial probation.

Socio-judicial probation entails, for the convicted person, the duty to submit, under the supervision of the penalty

enforcement judge for the period determined by the trial court, to measures of supervision and assistance designed to

prevent recidivism. The period of socio-judicial probation may not exceed ten years in the case of conviction for a

misdemeanour or twenty years in the case of conviction for a felony.

However, in misdemeanour cases, this probation period may be extended to twenty years by means of a special

and reasoned decision issued by the court of trial; in the case of a felony punishable by thirty years' imprisonment, this

probation period is thirty years; in the case of a felony punishable by life imprisonment, the Cour d'assises may impose a

period of socio-judicial probation unlimited in time, subject to the right of the court for the application of penalties to

suspend this measure after thirty years, according to the conditions set out in article 712-7 of the Code of Criminal

Procedure.

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The convicting judgment also fixes the maximum term of imprisonment to be served by the convicted person where

he fails to observe the obligations imposed upon him. This imprisonment may not exceed three years in the case of a

conviction for a misdemeanour or seven years in the case of a conviction for a felony. The manner in which the penalty

enforcement judge may order the imprisonment to be wholly or partly executed is determined by the Code of Criminal

Procedure.

The president of the court, after giving judgment, warns the convicted person of the obligations arising from it and of

the consequences if they are not fulfilled.

ARTICLE 131-36-2

(Inserted by Act no. 1998-468 of 17 June 1998 Article 1 Official Journal of 18 June 1998)

The measures of supervision applicable to the person sentenced to socio-judicial probation are those laid down by

article 132-44.

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The convicted person may also be subjected by the convicting judgment or by the penalty enforcement judge to the

obligation specified by article 132-45. He may also be subjected to one or more of the following obligations:

1° not to be present in such places or such category of places as specifically designated, in particular where minors

are to be found;

2° not to visit or to have contact with certain persons or certain categories of persons, and particularly minors,

except, where relevant, those specified by the court;

3° not to carry out any professional or voluntary activity involving regular contact with minors.

ARTICLE 131-36-3

(Inserted by Act no. 1998-468 of 17 June 1998 Article 1 Official Journal of 18 June 1998)

The object of support measures imposed on a person sentenced to socio-judicial probation has is to aid the

person's social rehabilitation.

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ARTICLE 131-36-4

(Inserted by Act no. 1998-468 of 17 June 1998 Article 1 Official Journal of 18 June 1998)

Socio-judicial probation may include a requirement of treatment.

This requirement may be ordered by the trial court if it is established after a report by a medical expert, obtained in

the conditions laid down by the Code of Criminal Procedure, that the person prosecuted is a suitable case for such

treatment. This examination is carried out by two experts in the case of a prosecution for the murder of a minor

preceded or accompanied by rape, torture or acts of barbarity. The president warns the convicted person that no

treatment may be undertaken without his consent, but that if he refuses the treatment offered to him, imprisonment

imposed under the third paragraph of article 131-36-1 may be enforced.

Where the trial court orders treatment and a non-suspended custodial sentence has also been imposed on the

relevant person, the presiding judge informs the convicted person that he has the option of starting treatment whilst

serving the sentence.

ARTICLE 131-36-5

(Inserted by Act no. 1998-468 of 17 June 1998 Article 1 Official Journal of 18 June 1998)

Where the socio-judicial probation order is imposed with an immediate custodial sentence, the probation order is

enforced, for the period fixed in the sentence, to run from the day when the custodial sentence comes to an end.

The socio-judicial probation order is suspended by any detention that intervenes while it is running.

Imprisonment ordered on account of failure to observe the obligations contained in the socio-judicial probation order

is consecutive to any immediate custodial sentence imposed for offences committed during the currency of the order,

and may not be concurrent with them.

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ARTICLE 131-36-6

(Inserted by Act no. 1998-468 of 17 June 1998 Article 1 Official Journal of 18 June 1998)

Socio-judicial probation may not be ordered together with a custodial sentence which is suspended, in whole or in

part, on condition of good behaviour.

ARTICLE 131-36-7

(Inserted by Act no. 1998-468 of 17 June 1998 Article 1 Official Journal of 18 June 1998)

In misdemeanour cases, socio-judicial probation may be imposed as the main sentence.

ARTICLE 131-36-8

(Inserted by Act no. 1998-468 of 17 June 1998 Article 1 Official Journal of 18 June 1998)

The manner of enforcement of a socio-judicial probation order is determined by title VII bis of Book V of the Code of

Criminal Procedure.

SECTION II

PENALTIES APPLICABLE TO LEGAL PERSONS Articles 131-37 to

131-49

Subsection 1

Penalties for felonies and misdemeanours Articles 131-37 to

131-39

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ARTICLE 131-37

Penalties for felonies and misdemeanours incurred by legal persons are:

1° a fine;

2° in the cases set out by law, the penalties enumerated under Article 131-39.

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ARTICLE 131-38

(Act no. 2004-204 of 9 March 2004 article 55 I Official Journal of 10 March 2004)

The maximum amount of a fine applicable to legal persons is five times that which is applicable to natural persons

by the law sanctioning the offence.

Where this is an offence for which no provision is made for a fine to be paid by natural persons, the fine incurred by

legal persons is €1,000,000.

ARTICLE 131-39

(Act no. 2001-504 of 12 June 2001 Article 14 Official Journal of 13 June 2001)

(Act no. 2004-575 of 21 June 2004 article 2 III Official Journal of 22 June 2004)

Where a statute so provides against a legal person, a felony or misdemeanour may be punished by one or more of

the following penalties:

1° dissolution, where the legal person was created to commit a felony, or, where the felony or misdemeanour is one

which carries a sentence of imprisonment of three years or more, where it was diverted from its objects in order to

commit them;

2° prohibition to exercise, directly or indirectly one or more social or professional activity, either permanently or for a

maximum period of five years;

3° placement under judicial supervision for a maximum period of five years;

4° permanent closure or closure for up to five years of the establishment, or one or more of the establishments, of

the enterprise that was used to commit the offences in question;

5° disqualification from public tenders, either permanently or for a maximum period of five years;

6° prohibition, either permanently or for a maximum period of five years, to make a public appeal for funds;

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7° prohibition to draw cheques, except those allowing the withdrawal of funds by the drawer from the drawee or

certified cheques, and the prohibition to use payment cards, for a maximum period of five years;

8° confiscation of the thing which was used or intended for the commission of the offence, or of the thing which is

the product of it;

9° posting a public notice of the decision or disseminating the decision in the written press or using any form of

communication to the public by electronic means.

The penalties under 1° and 3° above do not apply to those public bodies which may incur criminal liability. Nor do

they apply to political parties or associations, or to unions. The penalty under 1° does not apply to institutions

representing workers.

Subsection 2

Penalties for petty offences Articles 131-40 to

131-44

ARTICLE 131-40

The penalties incurred by legal persons for petty offences are:

1° a fine;

2° the penalties entailing forfeiture or restriction of rights set out under article 131-42.

These penalties do not preclude the imposition of one or more of the additional penalties set out under article

131-43.

ARTICLE 131-41

The maximum amount of a fine applicable to legal persons is five times that which is applicable to natural persons

by the regulation sanctioning the offence.

ARTICLE 131-42

In relation to any petty offence of the fifth class, a fine may be replaced by one or more of the following penalties

entailing forfeiture or restriction of rights:

1° prohibition to draw cheques, except those allowing the withdrawal of funds by the drawer from the drawee or

certified cheques, and the prohibition to use payment cards, for a maximum period of one year;

2° confiscation of the thing which was used or was intended for the commission of an offence, or of any thing which

is the product of it.

ARTICLE 131-43

The regulation that sanctions a petty offence may provide for the additional penalty mentioned under 5° of article

131-16 where the offender is a legal person. In relation to petty offences of the fifth class, the regulation may also set out

the additional penalty referred to under the first paragraph of article 131-17.

ARTICLE 131-44

Where a petty offence is punishable by one or more of the additional penalties referred to under articles 131-43, the

court may decide to impose only the additional penalty, or one or more of the additional penalties

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Subsection 3

Contents and implementation of certain penalties Articles 131-45 to

131-49

ARTICLE 131-45

The decision ordering the dissolution of a legal person entails its referral to the court competent for its liquidation.

ARTICLE 131-46

(Act no. 1992-1336 of 16 December 1992 Articles 345, 346 and 373 Official Journal of 23 December into force 1 March

1994)

The decision to place a legal person under judicial supervision entails the appointment of a judicial officer whose

remit is determined by the court. His remit may only bear upon the activity in the exercise of which, or on the occasion of

which, the offence was committed. At least once every six months, the judicial officer shall report to the penalty

enforcement judge on the fulfilment of his remit.

Upon examining this report, the penalty enforcement judge may refer the matter to the court that ordered judicial

supervision. The court may then either impose a new penalty, or release the legal person from judicial supervision.

ARTICLE 131-47

Prohibition to make a public appeal for funds entails prohibition, for the sale of any type of security, to have recourse

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to any banking institutions, financial establishments or investment service providers or to any form of advertising.

- ARTICLE 131-48

The prohibition to exercise one or more social or professional activities entails the consequences set out under

article 131-28.

The mandatory closure of one or more establishments entails the consequences set out in 131-33.

Disqualification from public tenders entails the consequences set out in article 131-34.

Prohibition to issue cheques entails the consequences set out under the first paragraph of article 131-19.

The confiscation of a thing is ordered pursuant to the conditions set out under article 131-21.

The public display or dissemination of the decision is ordered pursuant to the conditions set out under article

131-35.

ARTICLE 131-49

A Decree in the Conseil d'État shall determine the conditions for the implementation of the provisions of articles

131-45 to 131-47 and shall determine the conditions pursuant to which the worker's representatives are informed of the

date of the hearing.

CHAPTER II

REGIMES OF SENTENCES Articles 132-2 to 132-1

ARTICLE 132-1

Where statutes or regulations sanction an offence, the rules governing the penalties that may be imposed are those

set out in the present Chapter except where the law otherwise provides.

SECTION I

GENERAL PROVISIONS Articles 132-2 to 132-23

Subsection 1

Sentences applicable to concurrent offences Articles 132-2 to 132-7

ARTICLE 132-2

There is a concurrence of offences where an offence is committed by a person before having been finally convicted

for another offence.

ARTICLE 132-3

Where, in the course of the same proceedings, the accused person is found guilty of several concurrent offences,

each of the penalties applicable may be imposed. Nevertheless, where several penalties of a similar nature are incurred,

only one such penalty may be imposed within the limit of the highest legal maximum.

Each penalty imposed is deemed to be common to the concurrent offences within the limit of the legal maximum

applicable to each one of them.

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ARTICLE 132-4

Where, in the course of separate proceedings, the person prosecuted is convicted of several concurrent offences,

the penalties imposed operate cumulatively, up to the limit of the highest legal maximum. Nevertheless, the partial or

total concurrent running of sentences of a similar nature may be ordered either by the last court called upon to

determine the matter, or pursuant to the conditions set out under the Code of Criminal Procedure.

ARTICLE 132-5

(Act no. 1992-1336 of 16 December 1992 Articles 347 and 373 Official Journal of 23 December into force 1 March 1994)

For the purposes of articles 132-3 and 132-4, all custodial sentences are of a similar nature and all custodial

sentences run concurrently within a life sentence.

Recidivism is taken into account, where relevant.

Where criminal imprisonment for life is applicable to one or more of the concurrent offences but is not imposed, the

legal maximum is fixed at thirty years' criminal imprisonment.

The legal maximum amount and length of day-fines and of community service work is determined by articles 131-5

and 131-8 respectively.

The benefit of partial or total suspension applied to one of the penalties imposed for concurrent offences does not

prevent the enforcement of sentences of a similar nature which are not suspended.

ARTICLE 132-6

(Act no. 1992-1336 of 16 December 1992 Articles 348 and 373 Official Journal of 23 December into force 1 March 1994)

When a pardon or reinstatement has been granted in respect of a penalty, account is taken of the penalty ensuing

from such a measure or decision when determining the extent of the concurrent running of penalties.

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A reinstatement which takes place after the concurrent running of penalties is applicable to the penalty resulting

from such concurrence.

Where a penalty is reduced, the reduction is deducted from the penalty which remains to be served after the

concurrent running of penalties, where this occurs.

ARTICLE 132-7

By way of exception to the previous provisions, fines imposed for petty offences are cumulated with those incurred

or imposed for concurrent felonies or misdemeanours.

Subsection 2

Sentences applicable in the event of recidivism Articles 132-8 to

132-16-2

Paragraph 1

Natural persons Articles 132-8 to 132-11

ARTICLE 132-8

Where a natural person who has already received a final sentence for a felony or misdemeanour punishable by law

with ten years' imprisonment, commits a felony, the maximum period of criminal imprisonment or criminal detention is life

imprisonment where the maximum sentence legally applicable to the felony is twenty or thirty years. Where the felony is

punishable by fifteen years' imprisonment the maximum is raised to thirty years' criminal imprisonment or criminal

detention

ARTICLE 132-9

Where a natural person who has already received a final sentence for a felony or for a misdemeanour punishable

by law with ten years' imprisonment commits within ten years of when the previous sentence expired or became

time-barred a further misdemeanour which is similarly punishable, the maximum term of imprisonment and fine

applicable is doubled.

Where a natural person who has already received a final sentence for a felony or misdemeanour punishable by ten

years' imprisonment commits within five years of when the previous sentence expired or became time-barred another

misdemeanour punishable with between one and ten years' imprisonment, the maximum term of the imprisonment and

fine applicable is doubled.

ARTICLE 132-10

Where a natural person, who has already received a final sentence for a misdemeanour, commits within a period of

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five years from when the previous sentence expired or became time-barred either the same misdemeanour, or a

misdemeanour which is assimilated to it for the purposes of the rules relating to recidivism, the maximum term of the

imprisonment and fine is doubled.

ARTICLE 132-11

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force on 1 January

2002)

(Act no. 2003-495 of 12 June 2003 art. 6 III Official Journal of 13 June 2003)

If a regulation so provides, where a natural person who has already received a final sentence for a petty offence of

the fifth class commits the same petty offence within a period of one year from when the previous sentence expired or

became time-barred, the maximum fine is raised to €3,000.

In cases where the law provides that re-offending by the commission of a petty offence of the fifth class constitutes

a misdemeanour, recividism is established if the acts are committed within a period of three years from the expiry or

time-barring of the previous sentence.

Paragraph 2

Legal persons Articles 132-12 to

132-15

ARTICLE 132-12

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

Where a legal person, having already received a final sentence for a felony or a misdemeanour legally punishable

with a fine of €100,000 in the case of a natural person, incurs criminal liability for a felony, the maximum fine which may

be imposed is ten times that provided by the law applicable to that felony. In such a case the legal person is additionally

liable to the penalties enumerated under article 131-39, subject to the provisions of the last paragraph of that article.

ARTICLE 132-13

(Act no. 2001-504 of 12 June 2001 Article 15 Official Journal of 13 June 2001)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

Where a legal person which has already received a final sentence in relation to a felony or a misdemeanour legally

punishable in the case of a natural person by a fine of €100,000 incurs criminal liability for a misdemeanour punishable

by the same penalty within a period of ten years from when the previous sentence expired or became time-barred, the

maximum fine which may be imposed is ten times that provided by the statute by which the misdemeanour is

punishable.

Where a legal person which has already received a final sentence for a felony or for a misdemeanour legally

punishable in the case of natural persons by a fine of €100,000, incurs within a period of five years from when the

previous sentence expired or became time-barred criminal liability for a misdemeanour which by statute is punishable in

the case of natural persons with a fine of more than €15,000, the maximum fine which may be imposed is ten times that

provided by the statute by which the misdemeanour is punishable.

ARTICLE 132-14

Where a legal person which has already received a final sentence for a misdemeanour incurs within a period of five

years from when the previous sentence expired or became time-barred criminal liability for either the

same-misdemeanour or a misdemeanour assimilated to it under the rules governing recidivism, the maximum fine which

may be imposed is ten times that provided for natural persons by the statute punishing the misdemeanour.

ARTICLE 132-15

Where a regulation so provides, a legal person which has already received a final sentence for a petty offence of

the fifth class incurs criminal liability for the same petty offence within a period of one year from when the penalty for the

of the previous offence expired or became time-barred, the maximum fine which may be imposed is ten times that

provided for natural persons by the regulation punishing the petty offence.

Paragraph 3

General provisions Articles 132-16 to

132-16-2

ARTICLE 132-16

Theft, extortion, blackmail, fraudulent obtaining and breach of trust are considered to be the same offence in respect

of the rules governing recidivism.

ARTICLE 132-16-1

(Inserted by Act no. 1998-468 of 17 June 1998 Article 10 Official Journal of 18 June 1998)

The misdemeanours of sexual aggression and sexual assault are considered as the same offence for the purpose

of the rules governing recidivism.

ARTICLE 132-16-2

(Inserted by Act no. 2003-495 of 12 June 2003 art. 4 III Official Journal of 13 June 2003)

For the purposes of recividism, the misdemeanours of manslaughter and the incapacitation of another person

occasioned when driving a motor vehicle, provided for by articles 221-6-1, 222-19-1 and 222-20-1 are considered to be

the same offence.

For the purposes of recividism, the misdemeanours provided by articles L.221-2, L.234-1, L.235-1 and L.413-1 of

the Traffic Code are considered to be the same offence. The are also assimilated to the misdemeanours mentioned in

the preceding paragraph when they constitute the second element in the recidivism.

Subsection 3

The imposition of penalties Articles 132-17 to

132-22

ARTICLE 132-17

No penalty may be enforced where the court has not expressly imposed it.

The court may decide to impose only one of the penalties applicable to the offence before it.

ARTICLE 132-18

Where an offence is punished by criminal imprisonment or criminal detention for life the court may impose criminal

imprisonment or detention for a term, or imprisonment for not less than two years.

Where an offence is punished by a determinate sentence of criminal imprisonment or criminal detention, the court

may impose a sentence of criminal imprisonment or detention shorter than the maximum, or a sentence of ordinary

imprisonment of not less than a year.

ARTICLE 132-19

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Where an offence is punished by a sentence of imprisonment, the court may impose a sentence of imprisonment for

less than the maximum term.

The court may only impose an immediate custodial sentence for a misdemeanour on giving special grounds for

such a choice of penalty.

ARTICLE 132-20

Where an offence is punished by a fine the court may impose a lower fine than the sum specified.

ARTICLE 132-21

The forfeiture of all or part of the civic, civil and family rights enumerated under Article 131-26 does not follow

automatically from a conviction, notwithstanding any provision to the contrary.

A person affected by a prohibition, forfeiture or incapacity automatically resulting from a conviction by reason of

special provisions may be wholly or partly released from the prohibition, forfeiture or incapacity by the initial conviction or

a later judgment. This applies even in relation to the length of the sanction, pursuant to conditions determined by the

Code of Criminal Procedure.

ARTICLE 132-22

The public prosecutor, the juge d'instruction or the trial court may require the parties, any public administration,

financial institution or persons holding funds for the defendant, to communicate relevant information of a financial or

fiscal nature, without confidentiality being raised as an objection.

Subsection 4

The safety period Article 132-23

ARTICLE 132-23

In the case of an immediate custodial sentence for a term of ten years or more imposed for offences specifically set

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out by statute, the convicted person is not entitled to benefit from provisions governing the suspension or division of the

penalty, posting to a non-custodial assignment, temporary leave, semi-detention or parole, during the safety period.

The safety period is half that of the custodial sentence or, in case of criminal imprisonment for life, eighteen years.

The Cour d'assises or trial court may nevertheless by a special decision either extend this period up to two-thirds of the

prison sentence or up to twenty-two years in the case of imprisonment for life, or may decide to reduce these periods.

In all the other cases, where it imposes a non-suspended custodial sentence exceeding five years, the court may

determine a safety-period during which the convicted person may not be granted the benefit of any one of the modes of

execution of penalties referred to under the first paragraph. The length of this safety period may not exceed two-thirds of

the penalty imposed, or twenty-two years in the event of life imprisonment.

Reductions of sentences granted during the safety period will be deducted only from the portion of the penalty

exceeding this period.

SECTION II

PERSONALIZATION OF PENALTIES Articles 132-25 to

132-24

ARTICLE 132-24

Within the limits fixed by Statute, the court imposes penalties and determines their regime according to the

circumstances and the personality of the offender.

When the court imposes a fine, it determines its size taking into account the income and expenses of the

perpetrator of the offence.

Subsection 1

Semi-detention Articles 132-25 to

132-26-3

ARTICLE 132-25

(Act no. 2004-204 of 9 March 2004 art. 185 II, III, V; Official Journal of 10 March 2004, in force 1 January 2005)

Where a trial court imposes a custodial sentence of one year's imprisonment or less, it may determine that the

sentence is to be served in semi-detention where the convicted person establishes that he has a trade or profession, or

regularly attends a course of education or a professional training course, or apprenticeship or temporary employment

with a view to social rehabilitation, or that he plays a vital role in the life of his family, or need to undergo medical

treatment.

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In the cases provided for in the previous paragraph, the court may also determine that the prison sentence be

carried out under the system of external placement.

Where the convicted person has been placed or kept in detention, under the provisions of article 397-4 of the Code

of Criminal Procedure, the court applying the present article may order that the semi-detention or external placement be

provisionally imposed.

ARTICLE 132-26

(Act no. 2004-204 of 9 March 2004 art. 185 II, III, V; Official Journal of 10 March 2004, in force 1 January 2005)

A convicted person who has been granted the benefit of semi-detention is obliged to enter the penitentiary

institution pursuant to the conditions determined by the penalty enforcement judge, according to the time necessary for

him to carry out his profession, course of education, professional training, participation in family life or medical treatment

in consideration of which he was granted the regime of semi-detention. He is obliged to remain within the establishment

during the days when his external obligations are interrupted, whatever the reason for the interruption.

A convicted person who benefits from external placement is employed outside the penitentiary institution, and

carries out work monitored by the authorities.

The trial court may also impose the conditions provided for by articles 132-43 to 132-46 on a convicted person who

benefits from semi-detention or external placement.

ARTICLE 132-26-1

(Inserted by Act no. 2004-204 of 9 March 2004 article 185-VI Official Journal of 10 March 2004, in force 1 January 2005)

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Where a trial court imposes a custodial sentence of one year's imprisonment or less, it may rule that the prison

sentence is to be replaced by placement under electronic surveillance where the convicted person establishes that he

has a trade or profession, or regularly attends a course of education or a professional training course or temporary

employment with his social rehabilitation in mind, or that he plays a vital role in the life of his family, or needs to undergo

medical treatment.

A decision to place a defendant under electronic surveillance may only be taken with the consent of the defendant

who has first been informed that he may request for assistance from his advocate, where appropriate the latter being

automatically designated by the president of the bar council, before giving his consent.

If the defendant is an unemancipated minor, this decision may only be taken with the consent of those holding

parental authority over him. Where the convicted person has been placed or kept in detention pursuant to the terms of

article 397-4 of the Code of Criminal Procedure, a trial court applying the provisions of the previous paragraph may

order that placement under electronic surveillance be provisionally imposed.

ARTICLE 132-26-2

(Inserted by Act no. 2004-204 of 9 March 2004 article 185-VI Official Journal of 10 March 2004, in force 1 January 2005)

For the convicted person, placement under electronic surveillance entails prohibition to leave his residence or any

other place determined by the penalty enforcement judge outside such periods as the judge prescribes. The periods and

places are determined taking into account: the fact that the convicted person has a trade or profession; that he regularly

attends a course of education or a professional training course, or has temporary employment with a view to his social

rehabilitation; his participation in the life of his family; his need to undergo medical treatment. Placement under

electronic surveillance also entails for the convicted person the requirement to respond to the summons of any public

authority designated by the penalty enforcement judge.

ARTICLE 132-26-3

(Inserted by Act no. 2004-204 of 9 March 2004 article 185-VI Official Journal of 10 March 2004, in force 1 January 2005)

The trial court may also impose the measures provided for by articles 132-43 to 132-46 on a convicted person who

has been placed under electronic surveillance.

Subsection 2

Division of penalties Articles 132-27 to

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132-28

ARTICLE 132-27

Where compelling medical, family, professional or social reasons are established, the court may decide that a

custodial sentence of a year or less imposed for a misdemeanour is served in instalments over a period not exceeding

three years. None of those instalments may be shorter than two days.

ARTICLE 132-28

(Act no. 2003-495 of 12 June 2003 art. 5 V Official Journal of 13 June 2003)

Where compelling medical, family, professional or social reasons are established, the court may decide that a fine

imposed for a misdemeanour or a petty offence will be paid by instalments over a period not exceeding three years. The

same applies where a natural person is sentenced to pay day-fines or his driving licence is suspended; but the

suspension of a driving licence may not be so divided when imposed for misdemeanours or petty offences for which the

law or regulation precludes this penalty being limited to driving outside professional activities.

Subsection 3

Ordinary suspension Articles 132-30 to

132-29

ARTICLE 132-29

A court imposing a sentence may order it to be suspended in the cases and pursuant to the conditions set out

hereafter.

After the imposition of a suspended sentence, the presiding judge of the court shall caution the convicted person,

where he is present, of the consequences following another conviction for a new offence committed within the period set

out under articles 132-35 and 132-37

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Conditions for the granting of ordinary suspension Articles 132-30 to

132-34

ARTICLE 132-30

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

An ordinary suspension may only be granted to a natural person in respect of a felony or misdemeanour where the

defendant has not been sentenced to a custodial sentence for an ordinary felony or misdemeanour in the five years prior

to that offence.

A suspended sentence may only be granted to a legal person where it has not been sentenced to a fine in excess of

€60,000 for an ordinary felony or misdemeanour within the same period.

ARTICLE 132-31

Ordinary suspension is applicable to natural persons for custodial sentences not exceeding five years, for a fine or

day-fine, for the penalties entailing forfeiture or restriction of rights enumerated under article 131-6 other than

confiscation, and for the additional penalties enumerated under article 131-1 other than confiscation, or of the mandatory

closure of an establishment and public notice of the sentence.

An ordinary suspension may only be granted for a custodial sentence where the defendant was sentenced to a

penalty other than criminal or ordinary imprisonment during the period set out under article 132-30.

A court may decide that the suspension of the custodial sentence is granted in part only and for a period, subject to

a maximum of five years, which it determines.

ARTICLE 132-32

An ordinary suspension is applicable to legal persons in respect of fines and for the penalties enumerated in 2°, 5°,

6° and 7° of Article 131-39.

ARTICLE 132-33

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

Ordinary suspension may not be granted to a natural person for a penalty for a petty offence where the defendant

was sentenced to a custodial sentence for an ordinary felony or misdemeanour in the five years prior to the offence.

An ordinary suspension may only be granted to a legal person where it has not been sentenced to a fine of more

than €15,000 for an ordinary felony or misdemeanour within the same period.

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ARTICLE 132-34

Ordinary suspension is applicable to natural persons for the penalties entailing forfeiture or restriction of rights

enumerated under article 131-14 other than confiscation, for the additional penalties enumerated under 1°, 2° and 4° of

article 131-16, as well as for the additional penalty set out by the first paragraph of article 131-17. It is also applicable to

fines imposed for petty offences of the fifth class.

Ordinary suspension is applicable to legal persons for prohibition to draw cheques or to use payment cards under

articles 131-42 and 131-43. It is also applicable to fines imposed for petty offences of the fifth class.

Paragraph 2

Consequences of ordinary suspension Articles 132-35 to

132-39

ARTICLE 132-35

A sentence imposed for felony or a misdemeanour which has been suspended is deemed non-existent where the

convicted person who has benefited from a suspension has not within a period of five years of that sentence committed

any ordinary felony or misdemeanour leading to an immediate sentence entailing the revocation of the suspension.

ARTICLE 132-36

Any new custodial sentence revokes the suspension granted previously, irrespective of the nature of the initial

sentence.

Any new sentence imposed upon a natural or legal person other than a custodial sentence revokes the suspension

granted previously for another sentence other than a custodial sentence.

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ARTICLE 132-37

A for a petty offence that was imposed and suspended is deemed non-existent where the convicted person who has

benefited from such a suspension does not within a period of two years commit a fifth-class petty offence leading to a

new immediate sentence entailing revocation pursuant to the conditions set out under article 132-36.

ARTICLE 132-38

Where an ordinary suspension is revoked, the first penalty is served without being allowed to run concurrently with

the second.

However, the court may pronounce by a special and reasoned decision that the sentence it imposes does not

revoke the suspended sentence previously granted, or that it only revokes the suspension in part and for the length of

time specified. It may also restrict the scope of the revocation exemption to one or more of the suspended sentences

previously granted.

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ARTICLE 132-39

Where the benefit of an ordinary suspension was granted for only a part of the penalty, the sentence is deemed

non-existent in respect of all its elements if revocation of the suspension has not taken place, a day-fine or fine or

non-suspended part of the fine remaining due.

Subsection 4

Suspension with probation Articles 132-40 to

132-53

Paragraph 1

Conditions for the granting of suspension with probation Articles 132-40 to

132-42

ARTICLE 132-40

(Act no. 2003-1119 of 26 November 2003 Article 78 I Official Journal of 27 November 2003

(Act no. 2004-204 of 9 March 2004 article 175 I Official Journal of 10 March 2004)

A court imposing a custodial sentence may order its suspension under the conditions set out hereafter, the

convicted natural person being placed on probation.

After the imposition of a suspended custodial sentence with probation, the president of the court shall notify the

convicted person, where he is present, of the obligations he must heed during this period while his sentence is

suspended and he is on probation and warns him of the consequences of conviction for any new offence committed

during the probation period or of any violation of the supervision measures or special obligations imposed on him. The

president shall inform him of the possibility of having his sentence deemed non-existent if he behaves satisfactorily.

Where the court imposes as an additional penalty banishment from French territory for any period not exceeding ten

years, this is suspended during such time as the person is placed on probation, subject to the provisions of the first

paragraph.

ARTICLE 132-41

Suspension with probation is applicable to custodial sentences not exceeding five years imposed for an ordinary

felony or misdemeanour.

Wherever a court has not ordered the provisional enforcement of a sentence, a probation order is only applicable

from the day when the sentence becomes enforceable pursuant to the conditions set out under the second paragraph of

article 708 of the Code of Criminal Procedure.

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ARTICLE 132-42

*(Act no. 2004-204 of 9 March 2004 article 175 II Official Journal of 10 March 2004, in force 31 December 2006****)*

A criminal court shall determine the length of the probation order, which must be at least twelve months and may

not exceed three years.

It may decide this suspension will only apply to part of a custodial sentence, the length of which it shall determine.

Paragraph 2

The regime of suspension with probation Articles 132-43 to

132-46

ARTICLE 132-43

During the probation period, the convicted person must undergo the supervision measures set out in article 132-44

and any particular obligations set out in article 132-45 that have been specially imposed on him. The convicted person

may also be granted assistance designed to promote his social reintegration.

These measures and particular obligations cease to be applicable and the probation period is suspended during the

time when the convicted person is incarcerated. The probation period is also suspended during the time when the

convicted person performs his national service.

ARTICLE 132-44

(Act no. 2000-516 of 15 June 2000 Article 124 Official Journal of 16 June 2000)

The supervision measures to which the convicted person is subject are the following:

1° to attend when required to do so by the penalty enforcement judge or the designated social worker;

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2° to receive visits by the social worker and to provide him with such information or documents as are necessary to

verify his means of existence and the fulfilment of his obligations;

3° to inform the social worker of any change of employment;

4° to inform the social worker of any changes of residence or of any journey in excess of fifteen days and to account

for his return;

5° to obtain prior authorisation from the penalty enforcement judge for any journey abroad and, where it is liable to

obstruct the fulfilment of his obligations, for any change of employment or residence.

ARTICLE 132-45

(Act no. 2003-495 of 12 June 2003 art. 6 IV Official Journal of 13 June 2003)

A trial court or a penalty enforcement judge may specially impose on the convicted person the duty to fulfil one or

more of the following obligations:

1° to exercise a professional activity or to follow a course of education or professional training;

2° to establish his residence in a determined place;

3° to undergo medical examination, treatment or medical care, and where necessary hospitalisation;

4° to demonstrate that he is contributing to family expenses or is regularly paying any alimony that he may owe;

5° to make good, in all or part, according to his ability to pay, the damage caused by the offence, even in the

absence of a court decision on civil liability;

6° to demonstrate that he is paying according to his ability to pay the amounts due to the public Treasury in

consequence of the sentence;

7° to abstain from driving certain vehicles determined by the category of driving licences provided for under the

Traffic Code;

8° not to engage in professional activity in the exercise of which or on the occasion of which the offence was

committed;

9° not to appear in any specially designated places;

10° not to engage in betting, especially in betting shops;

11° not to frequent public houses;

12° not to keep company with certain convicted persons, especially other offenders or accomplices to the offence;

13° to abstain from contacting certain persons, especially with the victim of the offence;

14° not to hold or carry any weapon;

15° where the offence was committed while driving a motor vehicle, the completion of a road safety awareness

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course at the offender's expense;

16° to abstain from broadcasting any audiovisual work which he has produced or co-produced and which deals, in

part or in whole, with the offence committed, and to abstain from any public appearance relating to this offence; the

provisions of the present article are only applicable in cases of conviction for felonies or offences relating to wilful attacks

on life, sexual aggressions or sexual assault;

17° to deliver his children to those who have been granted custody of them by a legal ruling;

18° to complete a citizenship course.

ARTICLE 132-46

The objective of an assistance measure is to support the convicted person's efforts towards social reintegration.

These measures take the form of social, and if need be, financial assistance, and are implemented by the probation

service with the participation, where appropriate, of any private or public institution.

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Paragraph 3

Revocation of suspension with probation in the event of a new

offence

Articles 132-47 to

132-51

ARTICLE 132-47

(Act no. 1992-1336 of 16 December 1992 Articles 350 and 373 Official Journal of 23 December 1992 into force 1 March

1994)

(Act no. 2004-204 of 9 March 2004 article 183 Official Journal of 10 March 2004, in force 1 January 2005)

Suspension with probation may be revoked by the trial court pursuant to the conditions set out under article 132-48.

It may also be revoked by the penalty enforcement judge, pursuant to the conditions set out under the Code of

Criminal Procedure, where the convicted person has not complied with supervision measures or any particular duties

that have been imposed upon him. Any violation of these measures and duties committed after the suspension with a

probation has became enforceable may cause the revocation of the suspension. However, revocation may not be

ordered before a conviction has become final. If this revocation is ordered before the conviction has become final, it

become null and void where the conviction is later invalidated or annulled.

ARTICLE 132-48

(Act no. 1992-1336 of 16 December 1992 Articles 351 and 373 Official Journal of 23 December 1992 into force 1 March

1994)

(Act no. 2003-1119 of 26 November 2003 Article 79 II Official Journal of 27 November 2003)

Where the convicted person commits an ordinary felony or misdemeanour followed by a non-suspended custodial

sentence during a probation period, the trial court may order the total or partial revocation of any suspension or

suspensions granted previously, after hearing the penalty enforcement judge's opinion. This revocation may not be

ordered for offences committed before the suspended sentence became final.

Banishment from French territory is automatically enforceable in cases of suspension with probation under the

conditions provided for in the present article.

ARTICLE 132-49

A partial revocation of the suspension may be ordered only once.

The decision ordering a partial revocation of the suspension does not put an end to the probation regime and does

not attach to the sentence the consequences of an immediate sentence.

ARTICLE 132-50

Where a court orders the execution of the prison sentence to be served in its entirety and the suspension with

probation was granted after a earlier sentence already imposed subject to the same conditions, the first penalty is

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enforced first unless, by a special and reasoned decision, the court grants the convicted person a dispensation from all

or part of its execution.

ARTICLE 132-51

(Act no. 2000-516 of 15 June 2000 Article 124 Official Journal of 16 June 2000)

Where a court orders the revocation of a suspension in full or in part, it may order the convicted person to be

incarcerated pursuant to a special and reasoned decision, which is enforceable provisionally.

Paragraph 4

Consequences of a suspension with probation Articles 132-52 to

132-53

ARTICLE 132-52

A suspended sentence with probation is deemed non-existent where the convicted person has not been the subject

a decision ordering the enforcement of the totality of the prison sentence.

Where the benefit of the suspension with probation has been granted for only part of the prison sentence, the

sentence is deemed non-existent in all its constituent elements where no revocation of the suspension is ordered

pursuant to the conditions set out under the previous paragraph.

ARTICLE 132-53

(Act no. 2004-204 of 9 March 2004 article 183 X Official Journal of 10 March 2004, in force 1 January 2005)

Where suspension with probation has been granted after a first sentence already imposed with the same benefit,

this first conviction is deemed non-existent if the second is deemed non-existent pursuant to the conditions and

time-limits set out under the first paragraph of article 132-52 above or under article 744 of the Code of Criminal

Procedure.

Subsection 5

Suspension with the obligation to perform community service work Articles 132-54 to

132-57

ARTICLE 132-54

(Act no. 2004-204 of 9 March 2004 article 177 I, article 178 Official Journal of 10 March 2004, in force 1 January 2005)

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A court may, under the conditions and according to the terms set out under articles 132-40 and 132-41, provide that

the convicted person shall perform community service for the benefit of a public body or that of an association

accredited to implement community service work, for a period of forty to two hundred and ten hours.

The court may rule that the obligations imposed on the convicted person will remain in place after the completion of

the community service work, within a time period which may not exceed twelve months.

Suspension with the obligation to perform community service work may not be ordered where the defendant rejects

this or was not present at the hearing.

The terms of application of the duty to perform community service are governed by the provisions of articles 131-22

to 131-24. On completing the whole of the community service to be performed, the sentence is deemed non-existent,

unless the provisions of the last paragraph of article 132-55 have been applied.

ARTICLE 132-55

During the period, determined by the court, within which the community service must be completed, a convicted

person must, in addition to carrying out the prescribed work, satisfy the following supervision measures:

1° to obey summons issued by the penalty enforcement judge or the designated social worker;

2° to undergo any medical examination to be carried out prior to the enforcement of the sentence, designed to

establish whether he suffers from any ailment dangerous for other workers, and whether he is medically fit for the work

for which he is being considered;

3° to justify the grounds for any change of employment or residence where such changes obstruct the enforcement

of the community service work according to the terms decided;

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4° to obtain prior authorisation of the penalty enforcement judge for any journey which would obstruct the

completion of the community service work according to the terms laid down;

5° to receive the visits by the social worker and to provide him with any document or information relating to the

serving of the sentence.

He must also fulfil any particular obligations set out under article 132-45 which the court has specially imposed upon

him, within a time period determined by the court which may not exceed twelve months.

ARTICLE 132-56

Suspension with the obligation to perform community service work follows the same rules as those prescribed for

suspension with probation, except for those referred to under the second paragraph of article 132-42 and under the

second paragraph of article 132-52. The obligation to perform community service is assimilated to a particular obligation

of the suspension with probation and the period provided for by article 131-22 is assimilated to the probation period.

ARTICLE 132-57

(Act no. 1992-1336 of 16 December 1992 Articles 352 and 373 Official Journal of 23 December 1992 into force 1 March

1994)

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(Act no. 1995-125 of 8 February 1995 Article 45 Official Journal of 9 February 1995)

Any court having imposed for an ordinary misdemeanour a sentence including a custodial sentence not exceeding

six months may, where that sentence is no longer appealable by the convicted person, order this sentence to be

suspended and that the convicted person shall perform in the interest of a local authority, a public body or an

association, unpaid community service work for a period not less than forty hours or more than two hundred and ten

hours. The enforcement of the obligation to perform community service work is subject to the provisions of the third

paragraph of article 132-54 and articles 132-55 and 132-56. The penalty enforcement judge may also rule that the

convicted person will serve a day-fine sentence, pursuant to the provisions of articles 131-5 and 131-25.

Subsection 6

Exemption and deferment of penalties - Common provisions Articles 132-59 to

132-58

ARTICLE 132-58

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In the case of a misdemeanour or, except in relation to the matters considered under articles 132-63 to 132-65, and

in the case of a petty offence, the court, after finding the defendant guilty and ordering, if need be, the confiscation of

dangerous or noxious objects, may either exempt the defendant from any other sentence, or defer sentence in the cases

and pursuant to the conditions set out in the following articles.

At the same time as it decides on the defendant's guilt, the court rules, if necessary, on any civil claim for damages.

Paragraph 1

Exemption from penalty Article 132-59

ARTICLE 132-59

An exemption from penalty may be granted where it appears that the reintegration of the guilty party has been

achieved, that the damage caused has been made good and that the public disturbance generated by the offence has

ceased.

A court granting an exemption from penalty may rule that its decision shall not be registered in the criminal records.

Exemption from penalty does not extend to payment of the costs of the proceedings.

Paragraph 2

Ordinary deferment Articles 132-60 to

132-62

ARTICLE 132-60

A court may defer sentence where it appears that the reintegration of the guilty party is in the process of being

achieved, that the damage caused is in the process of being repaired, and where the public disturbance generated by

the offence will cease.

In this case, it determines in its decision the date when it will pronounce sentence.

A deferment may only be ordered where the defendant, in the case of a natural person, or his representative, in the

case of a legal person, is present at the hearing.

ARTICLE 132-61

At a reconvened hearing, the court may either exempt the defendant from penalty, or impose the penalty set out by

law, or further defer pronouncement of sentence pursuant to the conditions and according to the terms set out under

article 132-60.

ARTICLE 132-62

The decision with respect to the penalty must be made no later than a year after the first deferment decision.

Paragraph 3

Deferment with probation Articles 132-63 to

132-65

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ARTICLE 132-63

Where a defendant who is a natural person is present at the hearing, a court may defer sentence pursuant to the

conditions and according to the terms as set out under article 132-60 by placing him under probation for a term which

shall not exceed a year.

Such a decision is enforceable provisionally.

ARTICLE 132-64

Deferments with probation follow the probation regime as set out under articles 132-43 to 132-46.

ARTICLE 132-65

(Act no. 2004-204 of 9 March 2004 article 180 Official Journal of 10 March 2004, in force 1 January 2005)

At the reconvened hearing the court may, taking into account the offender's behaviour, either exempt him from

penalty, or pass sentence as set out by law, or further defer sentence pursuant to the conditions and according to the

terms of article 132-63.

Thirty days before the reconvened hearing, the penalty enforcement judge may, with the public prosecutor's

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consent, himself exempt the offender from penalty, following a hearing at which both sides are heard, held in

accordance with the provisions of article 712-6 of the Code of Criminal Procedure.

The decision regarding the penalty must be made no later than a year after the first deferment decision.

Paragraph 4

Deferment with injunction Articles 132-66 to

132-70

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ARTICLE 132-66

In the cases provided for by statutes or regulations which sanction the violation of specific obligations, a court

deferring sentence may give the convicted physical or legal person an injunction to observe one or more prescriptions

provided by the statutes or regulations concerned.

The court decrees a time-limit for the enforcement of these prescriptions.

ARTICLE 132-67

The court may reinforce the injunction with a coercive fine where this is provided for by the relevant Statutes or

regulations. In such a case, it fixes the rate of the coercive fine and the maximum period for it to apply in accordance

with the limits set out by statutes or regulations.

A coercive fine ceases to run from when the prescriptions contained in the injunction have been executed.

ARTICLE 132-68

A deferment with injunction may only be granted once. It may be ordered even where the defendant natural person

or the representative of the defendant legal person is not present.

The decision may be declared provisionally enforceable in all cases.

ARTICLE 132-69

At the adjourned hearing the court may either exempt the guilty party from any penalty or impose the penalties set

out under the statute or regulation, when the prescriptions enumerated by the injunction have been executed within the

period determined

Where the prescriptions have been executed belatedly, the court calculates if need be the amount of the coercive

fine and imposes the penalties set out under the law or regulation.

Where the prescriptions were not observed, the court calculates if need be the amount of the coercive fine, imposes

the penalties and may in addition order the execution of these prescriptions to be prosecuted at the convicted person's

expense pursuant to the conditions laid down by the law or regulation.

Unless otherwise provided, the decision on the penalty is made no later than one year after the first deferment

decision.

ARTICLE 132-70

(Act no. 2004-204 of 9 March 2004 article 177 I, article 198 V; Official Journal of 10 March 2004, in force 1 January

2005)

The rate of the coercive fine determined by the deferment decision may not be modified.

For the calculation of the coercive fine, the court considers the absence of execution or of the delay in execution of

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the prescriptions and takes into account the occurrence of events, if any, not attributable to the delinquent.

A coercive fine does is not enforceable by means of the provisions governing judicial enforcement of public debts.

SECTION III

DEFINITION OF CERTAIN CIRCUMSTANCES ENTAILING THE

AGGRAVATION OF PENALTIES

Articles 132-71 to

132-77

ARTICLE 132-71

An organised gang within the meaning of the law is any group formed or association established with a view to the

preparation of one or more criminal offences, preparation marked by one or more material actions.

ARTICLE 132-72

Premeditation is the intention formed before an act to commit a given felony or misdemeanour.

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ARTICLE 132-73

Breaking in consists of forcing, damaging or destroying any closing device or any kind of enclosure. The use of false

keys, unlawfully obtained keys or of any instrument which may be fraudulently employed to operate a closing device

without forcing or damaging it is assimilated to breaking in.

ARTICLE 132-74

Climbing in is the act of entering any given premises, either by climbing over an enclosure, or by passing through

any aperture not designed to be used as an entrance.

ARTICLE 132-75

(Act no. 1996-647 of 22 July 1996 Article 19 Official Journal of 23 July 1996)

A weapon is any article designed to kill or wound.

Any other article liable to be dangerous to persons is assimilated to a weapon from when it is used to kill, wound or

threaten, or intended by its bearer to be used to kill, wound or threaten.

Any article which looks sufficiently like a weapon defined in the first paragraph to cause confusion and is used to

threaten kill or wound, or is intended to threaten kill or wound by the person who bears it, is assimilated to a weapon.

The use of an animal to kill, wound or threaten is assimilated to the use of a weapon. Where the owner of the

animal is convicted or remains unidentified, a court may decide to hand the animal over to a registered public utility

institution for the protection of animals, which will be at liberty to dispose of it.

ARTICLE 132-78

(Act no. 2004-204 of 9 March 2004 article 12 I Official Journal of 10 March 2004)

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Where the law so provides, a person who has attempted to commit a felony or a misdemeanour is exempted from

penalty if, having alerted the legal or administrative authorities he has enabled the offence to be prevented and, where

relevant, to identify the other perpetrators or accomplices.

Where the law so provides, the length of the custodial sentence incurred by a person who has committed a felony or

a misdemeanour, is reduced if, by alerting the legal or administrative authorities, the convicted person has enabled the

offence to be ended, damage resulting from the offence to be prevented, or the perpetrators or accomplices to be

identified.

The provisions of the previous paragraph are also applicable where the person has either made it possible to

prevent the commission of a related offence of the same type as the felony or misdemeanour for which he has been

prosecuted, or to end the commission of the offence, or to prevent it causing damage, or to enable its perpetrators or

accomplices to be identified.

No conviction may be returned solely on the basis of statements made by persons who have been the subject of the

provisions of the present article.

ARTICLE 132-79

(Inserted by act no. 2004-575 of 21 June 2004 article 37 Official Journal of 22 June 2004)

Where a means of encryption, in the sense of article 29 of act no. 2004-575 of 21 June 2004 used to ensure

confidentiality in the digital economy has been used to prepare or commit a felony or a misdemeanour, or to facilitate the

preparation of commission of a felony or a misdemeanour, the maximum prison sentence incurred is raised as follows:

1° where the offence is punished by thirty years' imprisonment, this is increased to life imprisonment;

2° where the offence is punished by twenty years' imprisonment, this is increased to thirty;

3° where the offence is punished by fifteen years' imprisonment, this is increased to twenty;

4°where the offence is punished by ten years' imprisonment, this is increased to fifteen;

5° where the offence is punished by seven years' imprisonment, this is increased to ten;

6° where the offence is punished by five years' imprisonment, this is increased to seven;

7° where the offence is punished by a maximum of three years' imprisonment, this is doubled.

The provisions of the present article are, however, not applicable to the perpetrator of or the accomplice to an

offence who, at the request of the judicial or administrative authorities, has provided them with an unencrypted version

of the coded messages and the secret keys necessary to decipher them.

ARTICLE 132-76

(Inserted by Act no. 2003-88 of 3 February 2003 Art. 1 Official Journal of 4 February 2003)

(Act no. 2004-204 of 9 March 2004 article 12 I, article 38 Official Journal of 10 March 2004)

Where provided for by law, the penalties incurred for a felony or a misdemeanour are increased when the offence is

committed because of the victim's actual or supposed membership or non-membership of a given ethnic group, nation,

race or religion.

The aggravating circumstances defined in the first paragraph are established when the offence is preceded,

accompanied or followed by written or spoken words, images, objects or actions of whatever nature which damage the

honour or the reputation of the victim, or a group of persons to which the victim belongs, on account of their actual or

supposed membership or non-membership of a given ethnic group, nation, race or religion.

ARTICLE 132-77

(Inserted by Act no. 2003-239 of 18 March 2003 Art. 47 Official Journal of 19 March 2003)

In the cases provided for by law, the penalties incurred for a felony or a misdemeanour are increased where the

offence is committed because of the victim's sexual orientation.

The aggravating circumstances defined in the first paragraph are established when the offence is preceded,

accompanied or followed by written or spoken words, images, objects or actions of whatever nature which damage the

honour or the reputation of the victim, or a group of persons to which the victim belongs, on account of their actual or

supposed sexual identity.

CHAPTER III

THE EXTINCTION OF PENALTIES AND THE ERASURE OF CONVICTIONS Articles 133-2 to 133-1

ARTICLE 133-1

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(Act no. 1992-1336 of 16 December 1992 Articles 353 and 373 Official Journal of 23 December 1992 into force 1 March

1994)

The death of a convicted person or the dissolution of the legal person, except where that dissolution is ordered by a

criminal court, as well as pardons and amnesty, preclude or interrupt the enforcement of the penalty. However, fines and

judicial costs may be recovered and confiscations carried out after the death of the convicted natural person, and after

the dissolution of the legal person up until the process of liquidation has been completed.

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Where a sentence is time-barred it may not be enforced.

Rehabilitation wipes a conviction out.

SECTION I

LIMITATION Articles 133-2 to 133-6

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ARTICLE 133-2

Subject to the provisions of article 213-5 the penalties imposed for a felony are barred by limitation after twenty

years have passed from the date when the conviction became final.

ARTICLE 133-3

A sentence imposed for a misdemeanour is barred by limitation after five years have passed from the date when the

conviction became final.

ARTICLE 133-4

(Act no. 2002-1576 of 31 December 2002)

The penalties imposed for a petty offence are barred by limitation after three years have passed from the date when

the conviction became final.

ARTICLE 133-5

Persons convicted by contumacy or by default whose sentences are time-barred are not allowed to purge the

contumacy or enter an opposition.

ARTICLE 133-6

Civil obligations resulting from a final criminal decision are barred by limitation according to the rules set out in the

Civil Code.

SECTION II

OF PARDON Articles 133-7 to 133-8

ARTICLE 133-7

A pardon only entails an exemption in respect of the enforcement of the sentence.

ARTICLE 133-8

A pardon does not defeat the victim's right to obtain compensation for the damage caused by the offence.

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SECTION III

OF AMNESTY Articles 133-9 to 133-11

ARTICLE 133-9

An amnesty erases the sentences imposed. It carries the remission of all penalties without entailing any restitution.

It restores to the perpetrator or accomplice to an offence the benefit of a suspension which may have been granted for a

previous sentence.

ARTICLE 133-10

An amnesty is without prejudice to any third party.

ARTICLE 133-11

Any person who, in the exercise of his functions, has knowledge of criminal convictions, professional or disciplinary

sanctions or prohibitions, forfeitures and incapacities erased by an amnesty, is prohibited from recalling their existence

in any way whatsoever or to allow an indication of them to remain in any document. However, the original copy of

judgments and judicial decisions are excluded from this prohibition. Furthermore an amnesty does not preclude the

enforcement of a publication awarded as a compensation.

SECTION IV

REHABILITATION Articles 133-12 to

133-17

ARTICLE 133-12

Any person punished by a sentence for a felony, misdemeanour or petty offence is entitled, either to a rehabilitation

as of right pursuant to the conditions set out in this article, or to a rehabilitation order made pursuant to the conditions

contained in the Code of Criminal Procedure.

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ARTICLE 133-13

Rehabilitation is acquired as of right by a convicted natural person who has not incurred a new sentence for a felony

or misdemeanour within the time-limits specified below:

1° for a sentence to pay a fine or a day-fine, after a period of three years from the date of the payment of the fine or

that of the global amount of the day-fines, from the expiry of the enforcement by imprisonment or the incarceration

period set out under article 131-25, or the limitation period;

2° for a single sentence either to serve an imprisonment not exceeding one year, or a penalty other than criminal

imprisonment or criminal detention, imprisonment, fine or day-fine, after a period from either the enforcement of that

sentence, or the expiry of the limitation period;

3° for a single sentence to an imprisonment not exceeding ten years or for a multiple custodial sentence the total of

which does not exceed five years, after a period of ten years from either the expiry of the sentence served, or the expiry

of the limitation period.

ARTICLE 133-14

Rehabilitation is acquired as of right by a convicted legal person who has not incurred a new sentence for a felony

or misdemeanour within the time-limits specified below:

1° for a sentence to pay a fine, after a period of five years from the day of the payment of the fine or from the expiry

of the limitation period;

2° for a sentence other than a fine or dissolution, after a period of five years from either the execution of the penalty,

or the expiry of the limitation period.

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ARTICLE 133-15

Penalties which have been allowed to run concurrently are considered as a single sentence for the application of

the provisions of articles 133-13 and 133-14.

ARTICLE 133-16

(Act no. 1998-468 of 17 June 1998 Article 41 Official Journal of 18 June 1998)

Rehabilitation has the same consequences as those set out under articles 133-10 and 133-11. It erases any

incapacity or forfeiture resulting from a sentence.

ARTICLE 133-17

The non-contentious remission of a penalty is equivalent to its enforcement for the application of the rules governing

rehabilitation.

BOOK II

FELONIES AND MISDEMEANOURS AGAINST PERSONS Articles 211-1 to 227-31

TITLE I

CRIMES AGAINST HUMANITY AND AGAINST PERSONS Articles 211-1 to 215-4

SUBTITLE I

CRIMES AGAINST HUMANITY Articles 211-1 to 213-5

CHAPTER I

GENOCIDE Article 211-1

ARTICLE 211-1

Genocide occurs where, in the enforcement of a concerted plan aimed at the partial or total destruction of a

national, ethnic, racial or religious group, or of a group determined by any other arbitrary criterion, one of the following

actions are committed or caused to be committed against members of that group:

- wilful attack on life;

- serious attack on psychological or physical integrity;

- subjection to living conditions likely to entail the partial or total destruction of that group;

- measures aimed at preventing births;

- enforced child transfers.

Genocide is punished by criminal imprisonment for life.

The first two paragraphs of article 132-23 governing the safety period apply to the felony provided for by the present

article.

CHAPTER II

OTHER CRIMES AGAINST HUMANITY Articles 212-1 to 212-3

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ARTICLE 212-1

Deportation, enslavement or the massive and systematic practice of summary executions, abduction of persons

followed by their disappearance, of torture or inhuman acts, inspired by political, philosophical, racial or religious

motives, and organised in pursuit of a concerted plan against a section of a civil population are punished by criminal

imprisonment for life.

The first two paragraphs of article 132-23 governing the safety period are applicable to felonies provided for by the

present article.

ARTICLE 212-2

Where they are committed during war time in execution of a concerted plan against persons fighting the ideological

system in the name of which are perpetrated crimes against humanity, the actions referred to under article 212-1 are

punished by criminal imprisonment for life.

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The first two paragraphs of article 132-23 governing the safety period are applicable to felonies set out under the

present article.

ARTICLE 212-3

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Participation in a group formed or in an agreement established with a view to the preparation, as demonstrated by

one or more material actions, of any of the felonies defined by articles 211-1, 212-1 and 212-2 is punished by criminal

imprisonment for life.

The first two paragraphs of article 132-23 governing the safety period are applicable to the felony set out under the

present article.

CHAPTER III

COMMON PROVISIONS Articles 213-1 to 213-5

ARTICLE 213-1

Natural persons convicted of the offences set out under the present Subtitle also incur the following penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition to hold public office, pursuant to the conditions set out under article 131 -27;

3° area banishment, pursuant to the conditions set out under Article 131-31;

4° confiscation of any or all of their assets.

ARTICLE 213-2

(Act no. 1993-1027 of 24 August 1993 Article 33 Official Journal of 29 August 1993)

(Act no. 1998-349 of 11 May 1998 Article 37 Official Journal of 12 May 1998)

(Act no. 2003-1119 of 26 November 2003 Article 78 III Official Journal of 27 November 2003)

Any alien convicted of any of the offences under the present title may be banished from French territory either

permanently or for a maximum period of ten years, pursuant to the conditions set out under article 131-10.

ARTICLE 213-3

Legal persons may incur criminal liability for crimes against humanity pursuant to the conditions set out under article

121-2.

The penalties to be incurred by legal persons are:

1° the penalties enumerated under article 131-39;

2° confiscation of any or all of their assets.

ARTICLE 213-4

The perpetrator or the accomplice to a felony under the present title is not exonerated from his responsibility on the

sole basis that he performed an act prescribed or authorised by statutory or regulatory provisions, or an act ordered by

legitimate authority. A court shall nevertheless take this circumstance into account when deciding the nature and extent

of the sentence.

ARTICLE 213-5

Criminal liability for the felonies set out under the present title is imprescriptable, as are the sentences imposed.

SUBTITLE II

CRIMES AGAINST PERSONS Articles 214-1 to 215-4

CHAPTER I

CRIMES IN RELATION TO EUGENICS AND REPRODUCTIVE

CLONING

Articles 214-1 to 214-4

ARTICLE 214-1

(Inserted by Act No. 2004-800 of 6 August 2004, article 28 I; Official Journal, 7 August 2004)

The implementing of any eugenic practice aimed at organising the selection of persons is punished by thirty years'

criminal imprisonment and a fine of €7,500,000.

ARTICLE 214-2

(Inserted by Act No. 2004-800 of 6 August 2004, article 28 I; Official Journal, 7 August 2004)

Carrying out any procedure designed to cause the birth of a child genetically identical to another person whether

living or deceased is punished by thirty years' criminal imprisonment and a fine of €7,500,000.

ARTICLE 214-3

(Inserted by Act No. 2004-800 of 6 August 2004, article 28 I; Official Journal, 7 August 2004)

The offences provided for by articles 214-1 and 214-2 are punished by criminal imprisonment for life and a fine of

€7,500,000 if they are committed by an organised gang.

The first two paragraphs of article 132-3 relating to the safety period are applicable to the offences provided for by

the present article.

ARTICLE 214-4

(Inserted by Act No. 2004-800 of 6 August 2004, article 28 I; Official Journal, 7 August 2004)

Participation in a group formed or in an agreement established with a view to the preparation, as demonstrated by

one or more material actions, of any of the felonies defined by articles 214-1 and 214-2 is punished by criminal

imprisonment for life and a fine of €7,500,000.

The first two paragraphs of article 132-23 governing the safety period are applicable to the felony set out under the

present article.

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CHAPTER II

COMMON PROVISIONS Articles 215-1 to 215-4

ARTICLE 215-1

(Inserted by Act No. 2004-800 of 6 August 2004, article 28 I; Official Journal, 7 August 2004)

Natural persons guilty of the offences set out under the present sub-title also incur the following penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition to hold public office, pursuant to the conditions set out under article 131-27;

3° area banishment, pursuant to the conditions set out under Article 131-31;

4° confiscation of any or all of their property, moveable or immoveable, whether held jointly or severally;

5° confiscation of the material that has been used to commit the offence.

ARTICLE 215-2

(Inserted by Act No. 2004-800 of 6 August 2004, article 28 I; Official Journal, 7 August 2004)

Any alien convicted of any of the offences under the present sub-title may be banished from French territory either

permanently or for a maximum period of ten years, pursuant to the conditions set out under article 131-30.

The provisions of the last seven paragraphs of article 131-30 are not applicable.

ARTICLE 215-3

(Inserted by Act No. 2004-800 of 6 August 2004, article 28 I; Official Journal, 7 August 2004)

Legal persons may incur criminal liability for offences provided for by this sub-title pursuant to the conditions set out

under article 121-2.

The penalties incurred by legal persons are:

1° a fine, in the manner provided for by article 131-8.

2° the penalties enumerated under article 131-39;

3° confiscation of any or all of its property, moveable or immoveable, whether held jointly or severally.

ARTICLE 215-4

(Inserted by Act No. 2004-800 of 6 August 2004, article 28 I; Official Journal, 7 August 2004)

The prescription period for felonies provided for by the present sub-title, and for the penalties imposed, is thirty

years.

In addition, in a case where the cloning has led to the birth of a child the prescription period for prosecution for the

offence of reproductive cloning contrary to article 214-2 only begins to run from when the child attains the age of

majority.

TITLE II

OFFENCES AGAINST THE HUMAN PERSON Articles 221-1 to 227-31

CHAPTER I

OFFENCES AGAINST THE LIFE OF PERSONS Articles 221-1 to 221-10

SECTION I

WILFUL INJURY AGAINST LIFE Articles 221-1 to

221-5-3

ARTICLE 221-1

The wilful causing of the death of another person is murder. It is punished with thirty years' criminal imprisonment.

ARTICLE 221-2

Murder which precedes, accompanies or follows another felony is punished by criminal imprisonment for life.

Murder which is intended either to prepare or to facilitate a misdemeanour, or to assist an escape or to ensure the

impunity of the misdemeanant or an accomplice to a misdemeanour is punished by criminal imprisonment for life.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences under the

present article.

ARTICLE 221-3

Murder committed with premeditation is assassination. Assassination is punished by a criminal imprisonment for life.

The first two paragraphs of article 132-23 governing the safety period apply to the offence under the present article.

Nevertheless, where the victim is a minor who is under fifteen years of age and the assassination is preceded by or

accompanied by rape, torture or acts of barbarity, the Cour d'assises may by a special decision either increase the

safety period to thirty years, or, where it imposes criminal imprisonment for life, decide that none of the measures

enumerated under Article 132-23 shall be granted to the convicted person. Where the sentence is commuted, and

unless the decree of pardon otherwise provides, the safety period is equal to the length of the sentence resulting from

the pardon.

ARTICLE 221-4

(Act no. 94-89 of 1 February 1994 Article 6 Official Journal of 2 February 1994 into force 1 March 1994)

(Act no. 96-647 of 22 July 1996 Article 13 Official Journal of 23 July 1996)

(Act no. 99-505 of 18 June 1999 Article 14 Official Journal of 19 June 1999)

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(Act no. 2003-88 of 3 February 2003 Article 2 Official Journal of 4 February 2003)

(Act no. 2003-239 of 18 March 2003 Article 47 II, Article 60 I, II Official Journal of 19 March 2003 Correction JORF 5

June 2003)

(Act no. 2004-204 of 9 March 2004 article 6 I Official Journal of 10 March 2004)

Murder is punished by criminal imprisonment for life where it is committed:

1° against a minor under fifteen years of age;

2° against a natural or legitimate ascendant or the adoptive father or mother;

3° against a person whose particular vulnerability, due to age, sickness or infirmity, or to any physical or

psychological disability or to pregnancy, is apparent or known to the perpetrator;

4° against a judge or prosecutor, a juror, an advocate, a legal professional officer or a public officer, a member of

the gendarmerie, a civil servant of the national police, customs, the penitentiary administration or against any other

person holding public authority or discharging a public service mission, a fireman (whether professional or volunteer),

the accredited warden of a building or group of buildings or an agent carrying out on behalf of the tenant the duty of

caring for or watching an inhabited building in pursuance of article L. 127.1 of the Code of Construction and Habitation,

in the exercise or on account of his functions or mission, when the capacity of the victim is known or apparent to the

perpetrator;

4°bis against the spouse, the ascendants and direct descendants of the persons mentioned in 4° or against any

other person who habitually resides in their home, because of the duties carried out by these persons;

4°ter against a person employed by a public transport network or any other person carrying out a public service

mission or against a health professional in the exercise of his duties, where the status of the victim is apparent or known

to the perpetrator;

5° against a witness, a victim or civil party, either to prevent him from denouncing the action, filing a complaint or

making a statement before a court, or because of his report, complaint or statement;

6° because of the victim's actual or supposed membership or non-membership of a given ethnic group, nation, race

or religion;

7° because of the sexual orientation of the victim;

8° by several people acting as an organised gang.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the present article. Nevertheless, where the victim is a minor of fifteen years of age and the murder is preceded by or

accompanied by rape, torture or acts of barbarity, the Cour d'assises may by a special decision either increase the

safety period to thirty years, or, where it orders life imprisonment, decide that none of the measures enumerated under

article 132-23 shall be granted to the convicted person; where the penalty is commuted, and unless the decree of

pardon otherwise provides, the safety period is then equal to the length of the sentence resulting from the pardon.

ARTICLE 221-5

Making an attack against the life of another person by the use or administration of substances liable to cause death

constitutes poisoning.

Poisoning is punished by thirty years' criminal imprisonment.

It is punished by criminal imprisonment for life where it is committed in any of the circumstances provided for by

articles 221-2, 221-3 and 221-4.

The first two paragraphs of article 132-23 governing the safety period apply to the offence under the present article.

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ARTICLE 221-5-1

(Act no. 2004-204 of 9 March 2004 article 6 II Official Journal of 10 March 2004)

Making another person offers or promises, or offering him gifts, presents or benefits of any kind to induce him to

commit an assassination or a poisoning is punished, where this felony is neither committed nor attempted, by ten years'

imprisonment and by a fine of €150 000.

Article 221-5-2

(Inserted by Act no. 2004-204 of 9 March 2004 article 6 II Official Journal of 10 March 2004)

Legal persons may incur criminal liability, pursuant to the conditions set out under article 121-2, for the offences

defined in the present section:

The penalties applicable to legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties set out under article 131-39.

The prohibition determined under 2° of article 131-39 applies to the activity in the exercise of which or on the

occasion of the exercise of which the offence was committed.

Article 221-5-3

(Inserted by Act no. 2004-204 of 9 March 2004 article 12 IV Official Journal of 10 March 2004)

Any person who has attempted to commit the felonies of assassination or poisoning is exempted from punishment

if, by alerting the legal or administrative authorities, he has prevented the death of the victim and, where relevant, has

identified the other perpetrators or accomplices involved in the offence.

The prison sentence incurred by the perpetrator or the accomplice to a poisoning is reduced to twenty years'

imprisonment if, by alerting the legal or administrative authorities, he has prevented the victim from dying and, where

relevant, has identified the other perpetrators of or accomplices to the offence.

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SECTION II

INVOLUNTARY OFFENCES AGAINST LIFE Articles 221-6 to

221-6-1

ARTICLE 221-6

(Act no. 2000-647 of 10 July 2000 Article 4 Official Journal of 11 July 2000)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

Causing the death of another person by clumsiness, rashness, inattention, negligence or breach of an obligation of

safety or prudence imposed by statute or regulations, in the circumstances and according to the distinctions laid down

by article 121-3, constitutes manslaughter punished by three years' imprisonment and a fine of €45,000.

In the event of a deliberate violation of an obligation of safety or prudence imposed by statute or regulations, the

penalty is increased to five years' imprisonment and to a fine of €75,000.

ARTICLE 221-7

A legal person may incur criminal liability, pursuant to the conditions set out under article 121 -2, to the offence

defined under article 221-6.

The penalties to which legal persons are liable are as follows:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated in 2°, 3° 8° and 9° of article 131-39.

The prohibition determined under 2° of article 131-39 applies to the activity in the exercise of which or on the

occasion of the exercise of which the offence was committed.

In the cases referred to under the second paragraph of article 221-6 the penalty prescribed by 4° of article 131-39

shall also be incurred.

ARTICLE 221-6-1

(Inserted by Act no. 2003-495 of 12 June 2003 art. 1 II Official Journal of 13 June 2003)

When the clumsiness, rashness, inattention, negligence or breach of an obligation of safety or prudence provided

for by article 221-6 is committed by the driver a motor vehicle, manslaughter is punished by five years' imprisonment and

by a fine of €75,000.

The penalties are increased to seven years' imprisonment and to a fine of €100,000 where:

1º the driver has deliberately violated an obligation of safety or prudence imposed by statute or Regulations other

than those outlined below;

2º the driver was manifestly drunk or in an alcoholic state characterised by a level of alcohol in the blood or breath

greater than the limits fixed by the legislative or statutory provisions of the Traffic Code, or where he refuses to take the

tests provided for by the Code and designed to establish the existence of an alcoholic state;

3º a blood test shows that the driver had used substances or plants classified as drugs, or where the driver refused

to take the tests provided for by the Traffic Code that are designed to establish whether he was driving under the

influence of drugs;

4º the driver does not hold a valid driving licence as required by law, or his licence has been annulled, invalidated,

suspended or revoked;

5º the driver has exceeded the maximum speed limit by 50 km/h or more;

6º the driver, knowing that he had caused or brought about an accident, did not stop and so tried to escape any

criminal or civil responsibility that he might incur.

The penalties are increased to ten years' imprisonment and a fine of €150,000 where the manslaughter is

committed with two or more of the circumstances outlined in 1º onwards of the present article.

SECTION III

ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS Articles 221-8 to 221-10

ARTICLE 221-8

(Act no. 2003.-495 of 12 June 2003. Art. 5 VI and 6 V Official Journal of 13 June 2003)

Natural persons convicted of the offences set out under the present chapter also incur the following additional

penalties.

1° prohibition, pursuant to the conditions set out under Article 131-27, to discharge the social or professional activity

in the exercise of which or on the occasion of the exercise of which the offence was committed;

2° prohibition to hold or to carry, for a maximum period of five years, a weapon requiring a licence;

3° suspension of the driving licence for a maximum period of five years; this suspension may be limited to driving

otherwise than in the exercise of a professional activity; in the cases provided for by article 221-6-1, this measure may

not be suspended, even partially, and may not be limited to driving otherwise than in the exercise of a professional

activity; in the cases provided for by 1° to 6° and by the last paragraph of article 221-6-1, the maximum period of

suspension is ten years.

4° cancellation of the driving licence, together with the prohibition, for a maximum period of five years, to apply for

the issue of a new one;

5° confiscation of one or more weapons belonging to the convicted person or which he has freely available to him;

6° withdrawal of the hunting licence, together with a prohibition, for a maximum period of five years, to apply for the

issue of a new one.

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7° in cases provided for by article 221-6-1, the prohibition from driving certain motor vehicles, including those for

which a driving licence is not required, for a maximum period of five years;

8° in cases provided for by article 221-6-1, the requirement to complete a road safety awareness course, at the

offender's expense;

9° in cases provided for by article 221-6-1, the immobilisation of the vehicle used by the convicted person in

committing the offence, if this vehicle belongs to him, for a period of up to one year;

10° in cases provided for by article 221-6-1, the confiscation of the vehicle used by the convicted person in

committing the offence, if this vehicle belongs to him.

Any conviction for the misdemeanours provided for by 1° to 6° and by the last paragraph of article 221-6-1 results in

the automatic cancellation of the driving licence with the prohibition to apply for a new licence for a maximum period of

ten years. In the case of a persistent offender, the length of the ban is automatically increased to ten years, and the

court may, by a specially reasoned judgment, provide that the ban be for life.

ARTICLE 221-9

Natural persons convicted of the offences set out under Section 1 of the present chapter also incur the following

additional penalties:

1° prohibition of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition to hold public office, pursuant to the conditions set out under article 131-27;

3° confiscation set out under article 131-21;

4° area banishment, pursuant to the conditions set out under article 131-31.

ARTICLE 221-9-1

(Inserted by Act no. 1998-468 of 17 June 1998 Article 2 Official Journal of 18 June 1998)

Natural persons guilty of murder or assassination preceded by or accompanied by rape, torture or acts of barbarity

are also liable to socio-judicial probation in the manner set out under articles 131-36-1 to 131-36-8.

ARTICLE 221-11

Any alien convicted of any of the offences set out under section 1 of the present Chapter may be banished from

French territory either permanently or for a maximum period of ten years, pursuant to the conditions set out under article

131-10.

ARTICLE 221-10

Natural persons convicted of the offences set out under section 2 of the present chapter also incur the additional

penalty of public display or dissemination of the decision as set out under article 131-35.

CHAPTER II

OFFENCES AGAINST THE OR PHYSICAL OR PSYCHOLOGICAL

INTEGRITY OF THE PERSON

Articles 222-1 to 222-51

SECTION I

WILFUL OFFENCES AGAINST THE PHYSICAL INTEGRITY OF THE

PERSON

Articles 222-1 to

222-18-2

Paragraph 1

Torture and acts of barbarity Articles 222-1 to

222-6-2

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ARTICLE 222-1

The subjection of a person to torture or to acts of barbarity is punished by fifteen years' criminal imprisonment.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 222-2

The offence defined under article 222-1 is punished by criminal imprisonment for life where it precedes,

accompanies or follows a felony other than murder or rape.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 222-3

(Act no. 96-647 of 22 July 1996 Article 13 Official Journal of 23 July 1996)

(Act no. 99-505 of 18 June 1999 Article 14 Official Journal of 19 June 1999)

(Act no. 2003-88 of 3 February 2003 Article 3 Official Journal of 4 February 2003)

(Act no. 2003-239 of 18 March 2003 Article 47 III, Article 60 I, II Official Journal of 19 March 2003)

The offence defined in article 222-1 is punished by twenty years' criminal imprisonment where it is committed:

1° against a minor under fifteen years of age;

2° against a person whose particular vulnerability, due to age, sickness, physical or psychological disability or to

pregnancy, is apparent or known to the perpetrator;

3° against a natural or legitimate ascendant or the adoptive father or mother;

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4° against a judge or prosecutor, a juror, an advocate, a legal professional officer or a public officer, a member of

the gendarmerie, a civil servant of the national police, customs, the penitentiary administration or against any other

person holding public authority or discharging a public service mission, a fireman (whether professional or volunteer),

the accredited warden of a building or group of buildings or an agent carrying out on behalf of the tenant the duty of

caring for or watching an inhabited building in pursuance of article L. 127.1 of the Code of Construction and Habitation,

in the exercise or on account of his functions or mission, when the capacity of the victim is known or apparent to the

perpetrator;

4°bis against the spouse, the ascendants and direct descendants of the persons mentioned in 4° or against any

other person who habitually resides in their home, because of the duties carried out by these persons;

4°ter against a person employed by a public transport network or any other person carrying out a public service

mission or against a health professional in the exercise of his duties, where the status of the victim is apparent or known

to the perpetrator;

5° against a witness, victim or civil party, either to prevent him from denouncing the action, filing a complaint or

making a statement before a court, or because of such denunciation, complaint or statement;

5°bis because of the victim's actual or supposed membership or non-membership of a given ethnic group, nation,

race or religion;

5°ter because of the sexual orientation of the victim;

6° by the spouse or cohabitee of the victim;

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7° by a person holding public authority or discharging a public service mission, in the exercise or at the occasion of

the exercise of the functions or mission;

8° by two or more acting as perpetrators or accomplices;

9° with premeditation;

10° with the use or threatened use of a weapon.

The offence defined under article 222-1 is punished by twenty years' criminal imprisonment where it is accompanied

by sexual assaults other than rape.

The penalty incurred is increased to thirty years' criminal imprisonment where the offence defined under article

222-1 is committed against a minor under the age of fifteen years by a legitimate, natural or adoptive ascendant or by

any other person having authority over the minor.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the present Article.

ARTICLE 222-4

(Act no. 2004-204 of 9 March 2004 article 54 Official Journal of 10 March 2004)

The offence defined under article 222-1 is punished by thirty years' criminal imprisonment where it was committed

by an organised gang, or was committed habitually against a minor under the age of fifteen years, or against a person

whose particular vulnerability, due to age, sickness or infirmity, to a physical or psychological disability or to pregnancy,

is apparent or known to the perpetrator.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

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ARTICLE 222-5

The offence defined under article 222-1 is punished by thirty years' criminal imprisonment where it entailed

mutilation or permanent disability.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 222-6

The offence defined under article 222-1 is punished by criminal imprisonment for life where it brought about the

death of the victim without intent to cause it

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 222-6-1

(Inserted by Act no. 2001-504 of 12 June 2001 Article 5 Official Journal of 13 June 2001)

A legal person may incur criminal liability, pursuant to the conditions set out in article 121 -2, for the offences

defined in the present paragraph.

The penalties applicable to legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under 2°, 3° 8° and 9° of article 131-39.

The prohibition determined under 2°of article 131-39 shall apply to the activity in the exercise of which or on the

occasion of the exercise of which the offence was committed.

ARTICLE 222-6-2

(Inserted by Act no. 2004-204 of 9 March 2004 article 12 V Official Journal of 10 March 2004)

Any person who has attempted to commit the felonies provided for by the present paragraph is exempted from

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punishment if, by alerting the legal or administrative authorities, he has prevented the commission of the offence, and,

where relevant, has identified the other perpetrators or accomplices.

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The custodial sentence incurred by the perpetrator of or accomplice to any of the felonies provided for by the

present paragraph is reduced by half if, by alerting the legal or administrative authorities, he allowed the offence to be

stopped, or has prevented the offence resulting in loss of life or permanent disability and, where relevant, has identified

the other perpetrators or accomplices. Where the sentence incurred is criminal life imprisonment, this is reduced to

twenty years' criminal imprisonment.

Paragraph 2

Acts of violence Articles 222-7 to

222-16-1

ARTICLE 222-7

Acts of violence causing an unintended death are punished by fifteen years' criminal imprisonment.

ARTICLE 222-8

(Act no. 96-647 of 22 July 1996 Article 13 Official Journal of 23 July 1996)

(Act no. 99-505 of 18 June 1999 Article 14 Official Journal of 19 June 1999)

(Act no. 2003-88 of 3 February 2003 Article 4 Official Journal of 4 February 2003)

(Act no. 2003-239 of 18 March 2003 Article 47 IV, Article 60 I, II Official Journal of 19 March 2003)

The offence defined under article 222-7 is punished by twenty years' criminal imprisonment where it is committed:

1° against a minor under fifteen years of age;

2° against a person whose particular vulnerability, due to age, sickness or infirmity, to a physical or psychological

disability or to pregnancy, is apparent or known to the perpetrator;

3° against a natural or legitimate ascendant or the adoptive father or mother;

4° against a judge or prosecutor, a juror, an advocate, a legal professional officer or a public officer, a member of

the gendarmerie, a civil servant of the national police, customs, the penitentiary administration or against any other

person holding public authority or discharging a public service mission, a fireman (whether professional or volunteer),

the accredited warden of a building or group of buildings or an agent carrying out on behalf of the tenant the duty of

caring for or watching an inhabited building in pursuance of article L. 127.1 of the Code of Construction and Habitation,

in the exercise or on account of his functions or mission, when the capacity of the victim is known or apparent to the

perpetrator;

4°bis against the spouse, the ascendants and direct descendants of the persons mentioned in 4° or against any

other person who habitually resides in their home, because of the duties carried out by these persons;

4°ter against a person employed by a public transport network or any other person carrying out a public service

mission or against a health professional in the exercise of his duties, where the status of the victim is apparent or known

to the perpetrator;

5° against a witness, victim or civil party, either to prevent him from denouncing the action, filing a complaint or

making a statement before a court, or because of such denunciation, complaint or statement;

5°bis because of the victim's membership or non-membership of a given ethnic group, nation, race or religion;

5°ter because of the sexual orientation of the victim;

6° by the spouse or cohabitee of the victim;

7° by a person holding public authority or discharging a public service mission in the exercise or at the occasion of

the exercise of his functions or mission;

8° by two or more acting as perpetrators or accomplices;

9° with premeditation;

10° with the use or threatened use of a weapon.

The penalty incurred is increased to thirty years' criminal imprisonment where the offence defined under article

222-7 is committed against a minor under the age of fifteen years by a legitimate, natural or adoptive ascendant or by

any other person having authority over the minor.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the present article.

ARTICLE 222-9

Acts of violence causing mutilation or permanent disability are punished by ten years' imprisonment and a fine of

€150,000.

ARTICLE 222-10

(Act no. 96-647 of 22 July 1996 Article 13 Official Journal of 23 July 1996)

(Act no. 99-505 of 18 June 1999 Article 14 Official Journal of 19 June 1999)

(Act no. 2003-88 of 3 February 2003 Article 5 Official Journal of 4 February 2003)

(Act no. 2003-239 of 18 March 2003 Article 47 V, Article 60 1, II Official Journal of 19 March 2003)

The offence defined under Article 222-9 is punished by fifteen years' criminal imprisonment where it is committed:

1° against a minor under fifteen years of age;

2° against a person whose particular vulnerability, due to age, sickness or infirmity, to a physical or psychological

disability or to pregnancy, is apparent or known to the perpetrator;

3° against a natural or legitimate ascendant or the adoptive father or mother;

4° against a judge or prosecutor, a juror, an advocate, a legal professional officer or a public officer, a member of

the gendarmerie, a civil servant of the national police, customs, the penitentiary administration or against any other

person holding public authority or discharging a public service mission, a fireman (whether professional or volunteer),

the accredited warden of a building or group of buildings or an agent carrying out on behalf of the tenant the duty of

caring for or watching an inhabited building in pursuance of article L. 127.1 of the Code of Construction and Habitation,

in the exercise or on account of his functions or mission, when the status of the victim is known or apparent to the

perpetrator;

4°bis against the spouse, the ascendants and direct descendants of the persons mentioned in 4° or against any

other person who habitually resides in their home, because of the duties carried out by these persons;

4°ter against a person employed by a public transport network or any other person carrying out a public service

mission or against a health professional in the exercise of his duties, where the status of the victim is apparent or known

to the perpetrator;

5° against a witness, victim or civil party, either to prevent him from denouncing the action, filing a complaint or

making a statement before a court, or because of such denunciation, complaint or statement;

5°bis because of the victim's actual or supposed membership or non-membership of a given ethnic group, nation,

race or religion;

5°ter because of the sexual orientation of the victim;

6° by the spouse or cohabitee of the victim;

7° by a person holding public authority or discharging a public service mission, in the exercise or on the occasion of

the exercise of the functions or mission;

8° by two or more acting as perpetrators or accomplices;

9° with premeditation;

10° with the use or threatened use of a weapon.

The penalty incurred is increased to twenty years' criminal imprisonment where the offence defined under article

222-9 is committed against a minor under the age of fifteen years of age by a legitimate, natural or adoptive ascendant

or by any other person having authority over the minor.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the present Article.

ARTICLE 222-11

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Acts of violence causing a total incapacity to work for more than eight days are punished by three years'

imprisonment and a fine of €45,000.

ARTICLE 222-12

(Act no. 96-647 of 22 July 1996 Articles 13 and 14 Official Journal of 23 July 1996)

(Act no. 98-468 of 17 June 1998 Article 16 Official Journal of 18 June 1998)

(Act no. 99-505 of 18 June 1999 Article 14 Official Journal of 19 June 1999)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September in force 1 January 2002)

(Act no. 2002-1138 of 9 September 2002 Article 25 Official Journal of 10 September 2002)

(Act no. 2003-88 of 3 February 2003 Article 6 Official Journal of 4 February 2003)

(Act no. 2003-239 of 18 March 2003 Article 47 VI, Article 60 I, Article 78 I, II Official Journal of 19 March 2003)

The offence defined under Article 222-11 is punished by five years' imprisonment and a fine of €75,000 where it is

committed

1° against a minor under fifteen years of age;

2° against a person whose particular vulnerability, due to age, sickness or infirmity, to a physical or psychological

disability or to pregnancy, is apparent or known to the perpetrator;

3° against a natural or legitimate ascendant or the adoptive father or mother;

4° against a judge or prosecutor, a juror, an advocate, a legal professional officer or a public officer, a member of

the gendarmerie, a civil servant of the national police, customs, the penitentiary administration or against any other

person holding public authority or discharging a public service mission, a fireman (whether professional or volunteer),

the accredited warden of a building or group of buildings or an agent carrying out on behalf of the tenant the duty of

caring for or watching an inhabited building in pursuance of article L. 127.1 of the Code of Construction and Habitation,

in the exercise or on account of his functions or mission, when the status of the victim is known or apparent to the

perpetrator;

4°bis against the spouse, the ascendants and direct descendants of the persons mentioned in 4° or against any

other person who habitually resides in their home, because of the duties carried out by these persons;

4°ter against a person employed by a public transport network or any other person carrying out a public service

mission or against a health professional in the exercise of his duties, where the status of the victim is apparent or known

to the perpetrator;

5° against a witness, a victim or civil party, either to prevent him from denouncing the action, filing a complaint or

making a statement before a court, or because of his denunciation, complaint or statement;

5°bis because of the victim's actual or supposed membership or non-membership of a given ethnic group, nation,

race or religion;

5°ter because of the sexual orientation of the victim;

6° by the spouse or cohabitee of the victim;

7° by a person holding public authority or discharging a public service mission, in the exercise or at the occasion of

the exercise of the functions or mission;

8° by two or more acting as perpetrators or accomplices;

9° with premeditation;

10° with the use or threatened use of a weapon;

11° where the acts were committed within a school or educational establishment, or, when students are entering or

leaving, outside such an institution;

12° by an adult acting with the assistance of a minor;

13° on public transport or within premises designed for accessing such means of transport.

The penalties incurred are increased to ten years' imprisonment and to a fine of €150,000 where the offence defined

under article 222-11 is committed against a minor under the age of fifteen years by a legitimate, natural or adoptive

ascendant or by any other person having authority over the minor. The penalty is increased to seven years'

imprisonment and to a fine of €100,000 where the offence is committed in two of the circumstances enumerated under

1° onwards of the present article. The penalty is increased to ten years' imprisonment and to a fine of €150,000 where it

is committed in three of these circumstances.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the previous paragraph.

ARTICLE 222-13

(Act no. 96-647 of 22 July 1996 Articles 13 and 14 Official Journal of 23 July 1996)

(Act no. 98-468 of 17 June 1998 Article 16 Official Journal of 18 June 1998)

(Act no. 99-505 of 18 June 1999 Article 14 Official Journal of 19 June 1999)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September in force 1 January 2002)

(Act no. 2002-1138 of 9 September 2002 Article 25 Official Journal of 10 September 2002)

(Act no. 2003-88 of 3 February 2003 Article 7 Official Journal of 4 February 2003)

(Act no. 2003-239 of 18 March 2003 Article 47 VII, Article 60 I, Article 78 I, II Official Journal of 19 March 2003)

Acts of violence causing an incapacity to work of eight days or less or causing no incapacity to work are punished

by three years' imprisonment and a fine of €45,000 where they are committed:

1° against a minor under fifteen years of age;

2° against a person whose particular vulnerability, due to age, sickness or infirmity, to a physical or psychological

disability, or to pregnancy, is apparent or known to the perpetrator;

3° against a natural or legitimate ascendant or the adoptive father or mother;

4° against a judge or prosecutor, a juror, an advocate, a legal professional officer or a public officer, a member of

the gendarmerie, a civil servant of the national police, customs, the penitentiary administration or against any other

person holding public authority or discharging a public service mission, a fireman (whether professional or volunteer),

the accredited warden of a building or group of buildings or an agent carrying out on behalf of the tenant the duty of

caring for or watching an inhabited building in pursuance of article L. 127.1 of the Code of Construction and Habitation,

in the exercise or on account of his functions or mission, when the status of the victim is known or apparent to the

perpetrator;

4°bis against the spouse, the ascendants and direct descendants of the persons mentioned in 4° or against any

other person who habitually resides in their home, because of the duties carried out by these persons;

4°ter against a person employed by a public transport network or any other person carrying out a public service

mission or against a health professional in the exercise of his duties, where the status of the victim is apparent or known

to the perpetrator;

5° against a witness, a victim or civil party, either to prevent him from denouncing the action, filing a complaint or

making a statement before a court, or because of his denunciation, complaint or statement;

5°bis because of the victim's actual or supposed membership or non-membership of a given ethnic group, nation,

race or religion;

5°ter because of the sexual orientation of the victim;

6° by the spouse or cohabitee of the victim;

7° by a person holding public authority or discharging a public service mission, in the exercise or at the occasion of

the exercise of the functions or mission;

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8° by two or more acting as perpetrators or accomplices;

9° with premeditation;

10° with the use or threatened use of a weapon.

11° where the acts were committed within a school or educational institution, or, when students are entering or

leaving, outside such an institution;

12° by an adult acting with the assistance of a minor;

13° on public transport or within the premises designed for accessing such means of transport.

The penalties incurred are increased to five years' imprisonment and to a fine of €75,000 where the offence defined

under the first paragraph is committed against a minor under the age of fifteen years by a legitimate, natural or adoptive

ascendant or by any other person having authority over the minor. The penalty is also increased to five years'

imprisonment and a fine of €75,000 where the offence brings about a total incapacity to work of eight days or less, and

is committed in two of the circumstances enumerated under 1° onwards of the present article. The penalty is increased

to seven years' imprisonment and a fine of €100,000 where it is committed in three of these circumstances.

ARTICLE 222-14

Habitual acts of violence committed against a minor under the age of fifteen years or against a person whose

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particular vulnerability, due to age, sickness, disability, a physical or psychological disability or to pregnancy, is apparent

or known to the perpetrator is punished:

1° by thirty years' criminal imprisonment where they have caused the death of the victim;

2° by twenty years' criminal imprisonment where they have caused mutilation or permanent disability;

3° by ten years' imprisonment and a fine of €150,000 where they have caused a total incapacity to work in excess of

eight days;

4° by five years' imprisonment and a fine of €75,000 where they have not caused a total incapacity to work in

excess of eight days.

The first two paragraphs of article 132-23 governing the safety period are applicable to the cases provided for by 1°

and 2° of the present article.

ARTICLE 222-15

An administration of noxious substances that affected the physical or psychological integrity of another is punished

by the penalties mentioned under articles 222-7 to 222-14 according to the distinctions there laid down.

The first two paragraphs of article 132-23 governing the safety period are applicable to the cases provided for by 1°

and 2° of the present article.

ARTICLE 222-16

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

(Inserted by Act no. 2003-239 of 18 March 2003 Article 49 Official Journal of 19 March 2003)

Repeated malicious telephone calls or disturbances by noise which aim to disturb the peace of others are punished

by one year's imprisonment and a fine of €15,000.

ARTICLE 222-16-1

(Inserted by Act no. 2001-504 of 12 June 2001 Article 6 Official Journal of 13 June 2001)

Legal persons may incur criminal liability in the conditions set out under article 121-2 for the offences defined under

the present paragraph.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under 2°, 3° 8° and 9° of article 131-39.

The prohibition determined under 2° of article 131-39 applies to the activity in the exercise of which or on the

occasion of the exercise of which the offence was committed.

Paragraph 3

Of threats Articles 222-17 to

222-18-2

ARTICLE 222-17

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

A threat to commit a felony or a misdemeanour against persons, the attempt to commit which is punishable, is

punished by six months' imprisonment and a fine of €7,500, if it is repeated, or evidenced by a written document, picture

or any other object.

The penalty is increased to three years' imprisonment and to a fine of €45,000 where the threat is one of death.

ARTICLE 222-18

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

A threat to commit a felony or a misdemeanour against persons, made by any means, is punished by three years'

imprisonment and a fine of €45,000 where the threat is made together with an order to fulfil a condition.

The penalty is increased to five years' imprisonment and to a fine of €75,000 where the offence is a threat of death.

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ARTICLE 222-18-1

(Act no. 2001-504 of 12 June 2001 article 7 Official Journal of 13 June 2001)

(Act no. 2004-204 of 9 March 2004 article 39 I Official Journal of 10 March 2004)

(Act no. 2004-204 of 9 March 2004 article 39 II Official Journal of 10 March 2004)

Where threats contrary to the first paragraph of article 222-17 are committed because of the victim's membership or

non-membership, true or supposed, of any given ethnic group, nation, race or religion, they are punishable by two years'

imprisonment and by a fine of €30,000. Threats contrary to the second paragraph of that article or contrary to the first

paragraph of article 222-18 are punishable by five years' imprisonment and by a fine of €75,000, and those contrary to

the second paragraph of article 222-18 are punishable by seven years' imprisonment and a by a fine of €100, 000. The

same penalties are incurred where the threats were made because of the victim's true or supposed sexual orientation.

ARTICLE 222-18-2

(Inserted by Act no. 2001-504 of 12 June 2001 Article 7 Official Journal of 13 June 2001)

Legal persons may incur criminal liability in the conditions set out under article 121-2 of the offences defined in the

present paragraph.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under 2° to 9° of article 131-39.

3° the penalty referred to under 1° of article 131-39 in relation to the offences set out under article 222-17 (second

paragraph) and 222-18 and 222-18-1.

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The prohibition mentioned in 2° of article 131-39 applies to the activity in the exercise of which or on the occasion of

the exercise of which the offence was committed.

SECTION II

INVOLUNTARY OFFENCES AGAINST THE PHYSICAL INTEGRITY OF

THE PERSON

Articles 222-19 to

222-20-1

ARTICLE 222-19

(Act no. 2000-647 of 10 July 2000 Article 6 Official Journal of 11 July 2000)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Causing a total incapacity to work in excess of three months to another person by clumsiness, rashness, inattention,

negligence or breach of an obligation of safety or prudence imposed by statute or regulations, in the circumstances and

according to the distinctions laid down by article 121-3, is punished by two years' imprisonment and a fine of €30,000.

In the event of a deliberate violation of an obligation of safety or prudence imposed by statute or regulation, the

penalty incurred is increased to three years' imprisonment and to a fine of €45,000.

ARTICLE 222-20

Causing a total incapacity to work of three months or less to another person by a manifestly deliberate violation of a

particular obligation of safety or prudence imposed by statute or regulation, is punished by one year's imprisonment and

a fine of €15,000.

ARTICLE 222-21

Legal persons may incur criminal liability for the offences defined by articles 222-19 and 222-20, pursuant to the

conditions set out under article 121-2.

The penalties to be imposed upon legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties mentioned under 2°, 3°, 8° and 9° of article 131-39.

The prohibition mentioned under 2° of article 131-39 applies to the activity in the exercise of which or on the

occasion of the exercise of which the offence was committed.

In the cases referred to under the second paragraph of article 222-19, the penalty mentioned under 4° of article

131-39 is incurred.

ARTICLE 222-19-1

(Inserted by Act no. 2003-495 of 12 June 2003 art. 1 Official Journal of 13 June 2003)

When the clumsiness, rashness, inattention, negligence or breach of a statutory or regulatory duty of safety or

prudence provided for by article 221-6 is committed by the driver a motor vehicle, an unintended personal injury to

another person causing a total incapacity to work in excess of three months is punished by three years' imprisonment

and by a fine of €45,000.

The penalties are increased to five years' imprisonment and to a fine of €75,000 where:

1º the driver has deliberately violated an obligation of safety or prudence imposed by statute or Regulations other

than those outlined below;

2º the driver was manifestly drunk or in an alcoholic state characterised by a level of alcohol in the blood or breath

greater than the limits fixed by the legislative or statutory provisions of the Traffic Code, or where he refuses to take the

tests provided for by the Code and designed to establish the existence of an alcoholic state;

3º a blood test shows that the driver had used substances or plants classified as drugs, or where the driver refused

to take the tests provided for by the Traffic Code that are designed to establish whether he was driving under the

influence of drugs;

4º the driver does not hold a valid driving licence as required by law, or his licence has been annulled, invalidated,

suspended or revoked;

5º the driver has exceeded the maximum speed limit by 50 km/h or more;

6º the driver, knowing that he had caused or brought about an accident, did not stop and so tried to escape any

criminal or civil responsibility that he might incur.

The penalties are increased to seven years' imprisonment and to a fine of €100,000 where the unintended personal

injury is committed with two or more of the circumstances listed in 1º onwards of the present article.

ARTICLE 222-20-1

(Inserted by Act no. 2003-495 of 12 June 2003 art. 2 II Official Journal of 13 June 2003)

When the clumsiness, rashness, inattention, negligence or breach of a statutory or regulatory duty of safety or

prudence provided for by article 222-19 is committed by the driver a motor vehicle, an unintended personal injury

causing a total incapacity to work of three months or less is punished by two years' imprisonment and by a fine of

€30,000.

The penalties are increased to three years' imprisonment and to a fine of €45,000 where:

1º the driver has deliberately violated an obligation of safety or prudence imposed by statute or Regulations other

than those outlined below;

2º the driver was manifestly drunk or in an alcoholic state characterised by a level of alcohol in the blood or breath

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greater than the limits fixed by the legislative or statutory provisions of the Traffic Code, or where he refuses to take the

tests provided for by the Code and designed to establish the existence of an alcoholic state;

3º a blood test shows that the driver had used substances or plants classified as drugs, or where the driver refused

to take the tests provided for by the Traffic Code that are designed to establish whether he was driving under the

influence of drugs;

4º the driver does not hold a valid driving licence as required by law, or his licence has been annulled, invalidated,

suspended or revoked;

5º the driver has exceeded the maximum speed limit by 50 km/h or more;

6º the driver, knowing that he had caused or brought about an accident, did not stop and so tried to escape any

criminal or civil responsibility that he might incur.

The penalties are increased to five years' imprisonment and to a fine of €75,000 where the unintended personal

injury is committed with two or more of the circumstances listed in 1º onwards of the present article.

SECTION III

SEXUAL AGGRESSIONS - COMMON PROVISIONS Articles 222-23 to

222-22

ARTICLE 222-22

(Act no. 1998-468 of 17 June 1998 Article 19 Official Journal of 18 June 1998)

Sexual aggression is any sexual assault committed with violence, constraint, threat or surprise.

Where a sexual aggression was committed abroad against a minor by a French national or a person habitually

resident in France, French law applies notwithstanding the second paragraph of article 113-6 and the provisions of the

second sentence of article 113-8 are not applicable.

Paragraph 1

Rape Articles 222-23 to

222-26

ARTICLE 222-23

Any act of sexual penetration, whatever its nature, committed against another person by violence, constraint, threat

or surprise, is rape.

Rape is punished by fifteen years' criminal imprisonment.

ARTICLE 222-24

(Act no. 1998-468 of 17 June 1998 Article 13 Official Journal of 18 June 1998)

(Inserted by Act no. 2003-239 of 18 March 2003 Article 49 Official Journal of 19 March 2003)

Rape is punished by twenty years' criminal imprisonment

1° where it causes mutilation or permanent disability;

2° where it is committed against a minor under the age of fifteen years;

3° where it is committed against a person whose particular vulnerability, due to age, sickness, an infirmity, a

physical or psychological disability or to pregnancy, is apparent or known to the perpetrator;

4° where it is committed by a legitimate, natural or adoptive ascendant, or by any other person having authority over

the victim

5° where it is committed by a person misusing the authority conferred by his position;

6° where it is committed by two or more acting as perpetrators or accomplices;

7° where it is committed with the use or threatened use of a weapon;

8° where the victim has been brought into contact with the perpetrator of these acts through the use of a

communications network, for the distribution of messages to a non-specified audience;

9° where it is committed because of the sexual orientation of the victim.

ARTICLE 222-25

Rape is punished by thirty years' criminal imprisonment where it caused the death of the victim.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 222-26

Rape is punished by imprisonment for life when it is preceded, accompanied or followed by torture or acts of

barbarity.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present Article.

Paragraph 2

Other sexual aggressions Articles 222-27 to

222-32

ARTICLE 222-27

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Sexual aggressions other than rape are punished by five years' imprisonment and a fine of €75,000.

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ARTICLE 222-28

(Act no. 1998-468 of 17 June 1998 Article 13 Official Journal of 18 June 1998)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The offence defined under article 222-27 is punished by seven years' imprisonment and a fine of €100,000:

1° where it has caused an injury or a lesion;

2° where it is committed by a legitimate, natural or adoptive ascendant, or by any other person having authority over

the victim;

3° where it is committed by a person misusing the authority conferred by his functions;

4° where it is committed by two or more acting as offenders or accomplices;

5° where it is committed with the use or threatened use of a weapon.

ARTICLE 222-29

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Sexual aggressions other than rape are punished by seven years' imprisonment and a fine of €100,000 where they

are committed against:

1° a minor under the age of fifteen years;

2° a person whose particular vulnerability due to age, sickness, infirmity, to a physical or psychological disability or

to pregnancy, is apparent or known to the perpetrator.

ARTICLE 222-30

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

(Act no. 2003-239 of 18 March 2003 Article 47 IX Official Journal of 19 March 2003)

The offence defined under article 222-29 is punished by ten years' imprisonment and a fine of €150,000:

1° where it has caused an injury or a lesion;

2° where it is committed by a legitimate, natural or adoptive ascendant or by any other person having authority over

the victim;

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3° where it is committed by a person misusing the authority conferred by his position;

4° where it is committed by two or more acting as offenders or accomplices;

5° where it is committed with the use or threatened use of a weapon;

6° where it is committed because of the sexual orientation of the victim.

ARTICLE 222-31

Attempt to commit the misdemeanours set out under Articles 222-27 to 222-30 is punished by the same penalties.

ARTICLE 222-32

An indecent sexual exposure imposed on the view of others in a public place is punished by one year's

imprisonment and a fine of €15,000.

Paragraph 3

Sexual harassment Articles 222-33 to

222-33-1

ARTICLE 222-33

(Act no. 1998-468 of 17 June 1998 Article 11 Official Journal of 18 June 1998 rectifying Official Journal of 2 July 1998)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

(Act no. 2002-73 of 17 January 2002 Article 179 Official Journal of 18 January 2002)

The harassment of another person for the purpose of obtaining favours of a sexual nature is punished by one year's

imprisonment and a fine of €15,000.

ARTICLE 222-33-1

(inserted by Act no. 2001-504 of 12 June 2001 Article 8 Official Journal of 13 June 2001)

Legal persons may incur criminal liability in the conditions set out under article 121-2 of the offences defined under

article 222-22 to 222-31.

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Penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties referred to under article 131-39.

The prohibition prescribed by 2°of article 131-39 applies to the activity in the exercise of which or on the occasion of

the exercise of which the offence was committed.

SECTION IIIbis

MORAL HARASSMENT Article 222-33-2

ARTICLE 222-33-2

(Inserted by Act no. 2002-73 of 17 January 2002 Article 170 Official Journal of 5 March 2002)

Harassing another person by repeated conduct which is designed to or which leads to a deterioration of his

conditions of work liable to harm his rights and his dignity, to damage his physical or mental health or compromise his

career prospects is punished by a year's imprisonment and a fine of €15,000.

SECTION IV

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TRAFFICKING IN DRUGS Articles 222-34 to

222-43-1

ARTICLE 222-34

(Act no. 1992-1336 of 16 December 1992 Articles 354 and 373 Official Journal of 23 December 1992 into force 1 March

1994)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The leading or organising of a group the objective of which is the production, manufacture, import, export, transport,

retention, offer, sale, acquisition or unlawful use of drugs is punished by criminal imprisonment for life and a fine of

€7,500,000.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 222-35

(Act no. 1992-1336 of 16 December 1992 Articles 354 and 373 Official Journal of 23 December 1992 into force 1 March

1994)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The unlawful production or manufacture of drugs is punished by twenty years' criminal imprisonment and a fine of

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€7,500,000.

These offences are punished by thirty years' criminal imprisonment and a fine of €7,500,000 where they are

committed by an organised gang.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the present article.

ARTICLE 222-36

(Act no. 1992-1336 of 16 December 1992 Articles 354 and 373 Official Journal of 23 December 1992 into force 1 March

1994)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The unlawful import or export of drugs is punished by ten years' imprisonment and a fine of €7,500,000.

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These offences are punished by thirty years' criminal imprisonment and a fine of €7,500,000 where they are

committed by an organised gang.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the present article.

ARTICLE 222-37

(Act no. 1992-1336 of 16 December 1992 Articles 354 and 373 Official Journal of 23 December 1992 into force 1 March

1994)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The unlawful transport, retention, offer, sale, acquisition or use of drugs is punished by ten years' imprisonment and

a fine of €7,500,000.

The same penalty applies to the facilitation by whatever means of the unlawful use of drugs, the obtaining of their

delivery by fictitious or improperly issued prescriptions, or their delivery on the presentation of such prescription knowing

they are fictitious or were improperly issued.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the present article.

ARTICLE 222-38

(Act no. 1992-1336 of 16 December 1992 Articles 354 and 373 Official Journal of 23 December 1992 into force 1 March

1994)

(Act no. 1996-392 of 13 May 1996 Article 2 Official Journal of 14 May 1996)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

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A penalty of ten years' imprisonment and a fine of €750,000 is incurred by the act of facilitating by any means the

false justification of the origin of the assets or income of the perpetrator of one of the offences specified by articles

222-34 to 222-37, and by providing assistance for the investment, concealment or conversion of the fruits of one of

these offences. The fine may be increased to half the value of the assets or funds involved in the money-laundering

operation.

Where an offence concerns assets or funds proceeding from one of the offences specified in articles 222-34,

222-35 and 222-36, second paragraph, the perpetrator is liable to the penalties applicable to the offences of which he

was aware.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the present article.

ARTICLE 222-39

(Act no. 1992-1336 of 16 December 1992 Articles 354 and 373 Official Journal of 23 December 1992 into force 1 March

1994)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The unlawful sale or offer of drugs to a person for his personal consumption is punished by five years' imprisonment

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and a fine of €75,000.

The imprisonment is increased to ten years when the drugs are offered or sold, in the circumstances specified in the

paragraph above, to minors, or within teaching or educational centres, or administrative premises.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

previous paragraph.

ARTICLE 222-39-1

(Act no. 1996-392 of 13 May 1996 Article 17 Official Journal of 14 May 1996)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The inability to justify an income corresponding to one's lifestyle, while maintaining habitual relationships with one or

more persons engaged in one of the activities punished by this section of the present Code, or with persons engaged in

the use of drugs, is punished by five years' imprisonment and a fine of €75,000.

The imprisonment is increased to ten years where one or more persons concerned by the previous paragraph are

minors.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

previous paragraph.

ARTICLE 222-40

Attempt to commit the misdemeanours set out under articles 222-36 (first paragraph) to 222-39 is punished by the

same penalty.

ARTICLE 222-41

Drugs within the meaning of the provisions of the present section are substances or plants classified as drugs

according to article L. 627 of the Public Health Code.

ARTICLE 222-42

Legal persons may incur criminal liability for the offences defined by articles 222-34 to 222-39, pursuant to the

conditions set out under article 121 2.

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The penalties incurred by legal persons are:

1° a fine, pursuant to the condition set out under article 131-38;

2° the penalties enumerated under article 131-39.

The prohibition mentioned under 2° of article 131-39 applies to the activity in the exercise of which or on the

occasion of the exercise of which the offence was committed.

ARTICLE 222-43

(Act no. 2004-204 of 9 March 2004 article 12 VI Official Journal of 10 March 2004)

A custodial sentence imposed on an offender of or an accomplice to the offences set out in articles 222-35 to

222-39 is reduced by half where, having alerted the judicial or administrative authorities, he has enabled the criminal

conduct to be ended and, if applicable, has enabled the other offenders to be identified. In cases provided for under

article 222-34, the sentence of life imprisonment is reduced to twenty years' imprisonment.

ARTICLE 222-43-1

(Inserted by Act no. 2004-204 of 9 March 2004 article 12 VII Official Journal of 10 March 2004)

Any person who has attempted to commit the offences outlined in the present section is exempted from punishment

if, having alerted the judicial or administrative authorities, he has prevented the offence from being carried out, and has

enabled any other perpetrators of or accomplices to the offence to be identified.

SECTION V

ADDITIONAL PENALTIES TO NATURAL PERSONS Articles 222-44 to

222-48-1

ARTICLE 222-44

(Act no. 2003-495 of 12 June 2003 art. 6 VII Official Journal of 13 June 2003)

Natural persons convicted of the offences provided for by the present chapter also incur the following additional

penalties:

1° prohibition to discharge the social or professional activity in the exercise of which or on the occasion of the

exercise of which the offence was committed, pursuant to the conditions set out under article 131-27;

2° prohibition to hold or carry a weapon requiring a licence, for a maximum period of five years;

3° suspension of the driving licence for a maximum period of five years; suspension may be limited to driving

otherwise than in the course of professional activity; in the cases provided for by articles 222-19-1 and 222-20-1, this

measure may not be suspended, even partially, and may not be limited to driving otherwise than in the exercise of a

professional activity; in the cases provided for by 1° to 6° and by the last paragraph of articles 222-19-1 and 222-20-1,

the maximum period of suspension is ten years.

4° cancellation of the driving licence, together with prohibition, for a maximum period of five years, to apply for the

issue of a new licence;

5° confiscation of one or more vehicles belonging to the convicted person;

6° confiscation of one or more weapons belonging to the convicted person or which are freely available to him;

7° confiscation of the thing which was used or was intended for the commission of the offence, or of the thing which

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is its product.

8° in cases provided for by articles 222-19-1 and 222-20-1, the prohibition from driving certain motor vehicles,

including those for which a driving licence is not required, for a maximum period of five years;

9° in cases provided for by articles 222-19-1 and 222-20-1, the requirement to complete a road safety awareness

course, at the offender's expense;

10° in cases provided for by articles 222-19-1 and 222-20-1, the immobilisation of the vehicle used by the convicted

person in committing the offence, if this vehicle belongs to him, for a period of one year;

Any conviction for the misdemeanours provided for by 1° to 6° and by the last paragraph of article 222-19-1 results

in the automatic cancellation of the driving licence with the prohibition to apply for a new licence for a maximum period of

ten years.

ARTICLE 222-45

Natural persons convicted of the offences set out under sections 1,3 and 4 also incur the following penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition, pursuant to the conditions set out under article 131-27, to hold public office

3° prohibition, indefinite or for a period of up to ten years, to engage in paid or voluntary work involving regular

contact with minors;

4° the obligation to complete a citizenship course, pursuant to the conditions provided for by article 131-5-1.

ARTICLE 222-46

Natural persons convicted of the offences set out under section 2 of the present chapter also incur the additional

penalty of public display or dissemination of the decision provided for by article 131-35.

ARTICLE 222-47

In the cases set out under articles 222-1 222-15, 222-23 to 222-30 and 222-34 to 222-40, a court may order an

additional penalty of area banishment, pursuant to the conditions set out under article 131-31.

In the cases set out under articles 222-34 to 222-40, it may also impose a ban, for period of five years, on leaving

the territory of the French Republic.

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ARTICLE 222-48

(Act no. 1993-1027 of 24 August 1993 Article 33 Official Journal of 29 August 1993)

(Act no. 1998-349 of 11 May 1998 Article 37 Official Journal of 12 May 1998)

(Act no. 2003-1119 of 26 November 2003 Article 78 III Official Journal of 27 November 2003)

Any alien convicted of any of the offences set out under articles 222-1 to 222-8 and 222-10, under 1° and 2° of

article 222-14, under articles 222-23 to 222-26, 222-30, 222-34 to 222-39 as well as under article 222-15 in the cases

referred to under the second paragraph of that article, may be banished from French territory either permanently or for a

maximum period of ten years, pursuant to the conditions set out under article 131-30.

ARTICLE 222-48-1

(Inserted by Act no. 1998-468 of 17 June 1998 article 3 Official Journal of 18 June 1998)

Persons guilty of the offences defined under articles 222-23 to 222-32 may also be subjected to a social-judicial

probation order pursuant to the terms of articles 131-36-1 to 131-36-8.

SECTION VI

COMMON PROVISIONS APPLICABLE TO NATURAL AND LEGAL

PERSONS

Articles 222-49 to

222-51

ARTICLE 222-49

(Act no. 1992-1336 of 16 December 1992 Articles 357 and 373 Official Journal of 23 December 1992 into force 1 March

1994)

In the cases set out under articles 222-34 to 222-40, it is mandatory for the court to order the confiscation of

installations, equipment and of any asset used directly or indirectly for the commission of the offence, as well as all the

products coming from the said installations, equipment or assets, whoever may own them and wherever they may be,

provided their owner could not have been ignorant of their fraudulent origin or.

The confiscation of some or all of the assets of a convicted person, whatever their nature, movable or immovable,

severally or jointly owned, may also be ordered in the cases set out under articles 222-34, 222-35, 222-36, 222-38 and

222-39-1.

ARTICLE 222-50

(Act no. 1992-1336 of 16 December 1992 Articles 358 and 373 Official Journal of 23 December 1992 into force 1 March

1994)

Natural or legal persons convicted of the offences set out under articles 222-34 to 222-40 also incur the following

additional penalties:

1° permanent withdrawal of a bar or restaurant licence;

2° mandatory closure, either permanently or for a maximum period of five years, of any premises open to the public

or used by the public within which the offences defined by these articles were committed by the manager or with his

complicity.

ARTICLE 222-51

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Temporary mandatory closure under article 222-50 entails the suspension of the bar or restaurant licence for the

same length of time. The expiry period of licence is suspended during the mandatory closure period.

Permanent mandatory closure under article 222-50 entails the permanent withdrawal of the bar or restaurant

licence.

CHAPTER III

ENDANGERING OTHER PERSONS Articles 223-1 to 223-20

SECTION I

RISKS CAUSED TO OTHER PERSONS Articles 223-1 to 223-2

ARTICLE 223-1

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The direct exposure of another person to an immediate risk of death or injury likely to cause mutilation or permanent

disability by the manifestly deliberate violation of a specific obligation of safety or prudence imposed by any statute or

regulation is punished by one year's imprisonment and a fine of €15,000.

ARTICLE 223-2

Legal persons may incur criminal liability pursuant to the conditions set out under article 121-2, for the offence

defined under article 223-1.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under 2°, 3°, 8° and 9° of article 131-39.

The prohibition mentioned under 2° of article 131-39 applies to the activity in the exercise of which or on the

occasion of the exercise of which the offence was committed.

SECTION II

ABANDONMENT OF A PERSON UNABLE TO PROTECT HIMSELF Articles 223-3 to 223-4

ARTICLE 223-3

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The abandonment in any place of a person incapable of protecting himself by reason of his age, physical or

psychological state is punished by five years' imprisonment and a fine of €75,000.

ARTICLE 223-4

Any abandonment which results in mutilation or permanent disability is punished by fifteen years' criminal

imprisonment.

Any abandonment which results in death is punished by twenty years' criminal imprisonment.

SECTION III

OBSTRUCTING MEASURES OF ASSISTANCE AND OMISSION TO

HELP

Articles 223-5 to

223-7-1

ARTICLE 223-5

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Wilfully obstructing the arrival of help intended save a person from an imminent peril or to combat a disaster which

endangers the safety of persons is punished by seven years' imprisonment and a fine of €100,000.

ARTICLE 223-6

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Anyone who, being able to prevent by immediate action a felony or a misdemeanour against the bodily integrity of a

person, without risk to himself or to third parties, wilfully abstains from doing so, is punished by five years' imprisonment

and a fine of €75,000.

The same penalties apply to anyone who wilfully fails to offer assistance to a person in danger which he could

himself provide without risk to himself or to third parties, or by initiating rescue operations.

ARTICLE 223-7

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Anyone who voluntarily abstains from taking or initiating measures, which involve no risk to himself or to third

parties, to combat a natural disaster likely to endanger the safety of others is punished by two years' imprisonment and a

fine of €30,000.

ARTICLE 223-7-1

(Inserted by Act no. 2001-504 of 12 June 2001 Article 9 Official Journal of 13 June 2001)

Legal persons may incur criminal liability, pursuant to the conditions set out under article 121-2, for the offences

outlined in the present section.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under 2° to 9° of article 131-39.

3° the penalty outlined in 1° of article 131-39 for the offences provided for under articles 223-5 and 223-6.

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The prohibition determined under 2° of article 131-39 applies to the activity in the exercise of which or on the

occasion of the exercise of which the offence was committed.

SECTION IV

EXPERIMENTATION ON HUMAN BEINGS Articles 223-8 to 223-9

ARTICLE 223-8

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

(Act no.2004-800 of 6 August 2004 article 5 IV Official Journal of 7 August 2004)

(Act no. 2004-806 of 9 August 2004 article 94 Official Journal of 11 August 2004)

Carrying out or causing biomedical research to be carried out on a person without having obtained the free,

informed and explicit consent of the person concerned, or of those who have parental authority for him or of his guardian

or any other person, authority or organisation appointed to consent to or to authorise the research in the cases provided

for under the provisions of the Code of Public Health is punished by three years' imprisonment and a fine of €45,000.

The same penalties are applicable where the biomedical research is practised after the consent has been

withdrawn.

The provisions of the present article do not apply to the examination of someone's genetic characteristics or to his

identification by his genetic fingerprints carried out for scientific research purposes.

ARTICLE 223-9

Legal persons may incur criminal liability for the offence defined under article 223-8, pursuant to the conditions set

out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° The penalties enumerated under article 131-39.

The prohibition mentioned under 2° of article 131-39 applies to the activity in the exercise of which or on the

occasion of the exercise of which the offence was committed.

SECTION V

ILLEGAL TERMINATION OF PREGNANCIES Article 223-10

ARTICLE 223-10

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002

The termination of a pregnancy without the consent of the person concerned is punished by five years'

imprisonment and a fine of €75,000.

SECTION VI

OF INCITEMENT TO SUICIDE Articles 223-13 to

223-15-1

ARTICLE 223-13

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002

Inciting] another person to commit suicide is punished by three years' imprisonment and a fine of €45,000 where the

incitement was followed by suicide or attempted suicide.

The penalty is increased to five years' imprisonment and to a fine of €75,000 where the victim of the offence defined

by the previous paragraph is a minor under fifteen years of age.

ARTICLE 223-14

Propaganda or advertising, in whatever manner, in favour of products, articles or methods recommended as means

to procure one's death, is punished by three years' imprisonment and a fine of €45,000.

ARTICLE 223-15

Where the misdemeanours set out under articles 223-13 and 223-14 are committed through the press or by

broadcasting, the specific legal provisions governing those matters are applicable to define the persons who are

responsible.

ARTICLE 223-15-1

(Inserted by Act no. 2001-504 of 12 June 2001 Article 10 Official Journal of 13 June 2001)

Legal persons may incur criminal liability in the conditions set out under article 121-2 of the offences defined in this

Section of the present Code.

The penalties applicable to legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under 2° to 9° of article 131-39;

3° the penalty referred to under 1° of article 131-39 in relation to the offence defined by the second paragraph of

article 222-13.

The prohibition determined under 2° of article 131-39 applies to the activity in the exercise of which or on the

occasion of the exercise of which the offence was committed.

SECTION VIbis

PENAL CODE

FRAUDULENT ABUSE OF A PERSON'S IGNORANCE OR WEAKNESS Articles 223-15-2 to 223-15-4

ARTICLE 223-15-2

(Act no. 2001-504 of 12 June 2001 Article 10 Official Journal of 13 June 2001)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Fraudulently abusing the ignorance or state of weakness of a minor, or of a person whose particular vulnerability,

due to age, sickness, infirmity, to a physical or psychological disability or to pregnancy, is apparent or known to the

offender, or abusing a person in a state of physical or psychological dependency resulting from serious or repeated

pressure or from techniques used to affect his judgement, in order to induce the minor or other person to act or abstain

from acting in any way seriously harmful to him, is punished by three years' imprisonment and a fine of €375, 000.

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Where the offence is committed by the legal or de facto manager of a group that carries out activities the aim or

effect of which is to create, maintain or exploit the psychological or physical dependency of those who participate in

them, the penalty is increased to five years' imprisonment and to a fine of €750, 000.

ARTICLE 223-15-3

(Inserted by Act no. 2001-504 of 12 June 2001 Article 10 Official Journal of 13 June 2001)

Natural persons convicted of the misdemeanour under the present section also incur the following additional

penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition, in accordance with the provisions of article 131-27, to exercise for a period of up to five years the

professional or social activity in the exercise of which, or on the occasion of which, the offence was committed;

3° the closure, for a period of up to five years, of the establishments or one or more of the establishments of

enterprise used to commit the offences in question;

4° confiscation of the thing which was used in or was intended to be used in the commission of the offence, or of the

thing which is the product of it, except for articles liable to restitution;

5° area banishment, in accordance with the provisions of article 131-31;

6° prohibition to draw cheques, for a period of up to five years, except for those enabling the withdrawal of funds by

the drawer from the drawee or certified cheques;

7° the public display or dissemination of the decision pronounced, in the manner as set out under article 131-35.

ARTICLE 223-15-4

(Inserted by Act no. 2001-504 of 12 June 2001 Article 10 Official Journal of 13 June 2001)

Legal persons may incur criminal liability for the offence defined in this Section of the present Code under the

conditions set out in article 121-2.

The penalties applicable to legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties set out in article 131-39;

The prohibition determined under 2° of article 131-39 applies to the activity in the exercise of which or on the

occasion of the exercise of which the offence was committed.

SECTION VII

ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS Articles 223-16 to

223-20

ARTICLE 223-16

Natural persons convicted of any of the offences set out under articles 223-3 to 223-8, 223-10 to 223-14 also incur

forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26.

ARTICLE 223-17

Natural persons convicted of any of the offences set out under articles 223-3, 223-4, 223-8, 223-10 to 223-14 also

incur the following penalties:

1° prohibition for a maximum period of five years pursuant to the conditions set out under Article 131-27, to

discharge the social or professional activity in the exercise of which or on the occasion of the exercise of which the

offence was committed;

2° confiscation defined under article 131-21; in the cases provided under articles 223-13 and 223-14, a court may

order the confiscation of the written, visual or phonic documents which were used to commit the offence; the court may

in addition order the destruction of any or all of these documents;

3° the permanent mandatory closure or the mandatory closure for a maximum period of five years of one, some or

all of the premises of the enterprise which allowed the offence to be committed.

In cases provided for by article 223-8, a court may order permanent exclusion from public tenders, or an exclusion

for a maximum period of five years.

ARTICLE 223-18

(Act no. 2003-495 of 12 June 2003, art. 6 VII Official Journal of 13 June 2003)

Natural persons convicted of the offence set out under article 223-1 also incur the following penalties:

1° prohibition to discharge the social or professional activity in the exercise of which or on the occasion of the

exercise of which the offence was committed, pursuant to the conditions set out under article 131-27;

2° prohibition to hold or carry a weapon for which a licence is required, for a maximum period of five years;

3° suspension of the driving licence for a maximum period of five years; this suspension may be limited to driving

otherwise than in the course of professional activity; if the misdemeanour was carried out at the time of driving a motor

vehicle, the suspension of the driving licence may not be suspended, even partially, and may not be limited to driving

otherwise than in the exercise of a professional activity;

4° cancellation of the driving licence, together with the prohibition, for a maximum period of five years, to apply for

the issue of a new one.

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5° where the misdemeanour was committed at the time of driving a motor vehicle, the prohibition from driving

certain motor vehicles, including those for which no driving licence is required, for a maximum period of five years;

6° where the misdemeanour was committed at the time of driving a motor vehicle, the requirement to complete a

road safety awareness course, at the offender's expense;

7° where the misdemeanour was committed at the time of driving a motor vehicle, the immobilisation of the vehicle

used by the convicted person in committing the offence, if this vehicle belongs to him, for a period of one year;

8° where the misdemeanour was committed at the time of driving a motor vehicle, the confiscation of the vehicle

used by the convicted person in committing the offence, if this vehicle belongs to him.

ARTICLE 223-19

Natural persons convicted of any of the offences set out under articles 223-10 and 223-11 shall incur, in addition to

the penalties mentioned by those articles, prohibition to work in a medical or a paramedical capacity for a maximum

period of five years.

ARTICLE 223-20

Natural persons convicted of any of the offences set out under articles 223-1 and 223-8 also incur the additional

penalty of the public display or dissemination of the decision set out under article 131-35.

CHAPTER IV

VIOLATIONS OF PERSONAL LIBERTY Articles 224-1 to 224-9

SECTION I

ABDUCTION AND ILLEGAL RESTRAINT Articles 224-1 to

224-5-2

ARTICLE 224-1

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The arrest, abduction, detention or imprisonment of a person without an order from an established authority and

outside the cases provided by law is punished by twenty years' criminal imprisonment.

The first two paragraphs of article 132-23 governing the safety period are applicable to this offence.

However, where the person detained or imprisoned is voluntarily freed within seven days of his capture, the

sentence is five years' imprisonment and a fine of €75,000, except in the cases as set out under article 224-2.

ARTICLE 224-2

The offence set out under article 224-1 is punished by thirty years' criminal imprisonment where the victim suffers

mutilation or permanent disability wilfully caused or resulting from his conditions of detention, or from the deprivation of

food or care.

It is punished by a criminal imprisonment for life where it is preceded or accompanied by torture or acts of barbarity

or where it is followed by the death of the victim.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the present article.

ARTICLE 224-3

(Act no. 2004-204 of 9 March 2004 article 6 V Official Journal of 10 March 2004)

The offence set out under article 224-1 is punished by thirty years' criminal imprisonment where it is committed

against two or more persons.

The first two paragraphs of article 132-23 governing the safety period are applicable to this offence.

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However, where the detained or illegally confined person or persons are freed voluntarily within the period set out

under the third paragraph of article 224-1, the sentence is ten years' imprisonment, except where the victim or one of

victims has sustained one of the attacks against his physical integrity as enumerated under article 224-2.

ARTICLE 224-4

Where the person was arrested, abducted, detained or illegally confined as a hostage either to prepare or facilitate

the commission of a felony or a misdemeanour, or to assist in the escape of or to ensure the impunity of the perpetrator

or the accomplice to a felony or a misdemeanour, or to secure the enforcement of an order or a condition, in particular

the payment of a ransom, the offence set out under article 224-1 is punished by thirty years' criminal imprisonment.

The first two paragraphs of article 132-23 governing the safety period are applicable to this offence.

Except in the cases provided under article 224-2, the sentence is ten years' imprisonment where the person who is

taken hostage in the conditions as defined under the first paragraph is freed voluntarily within seven days of his capture,

without the order or condition being carried out.

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ARTICLE 224-5

Where the victim of one of the felonies set out under articles 224-1 to 224-4 is a minor under fifteen years of age,

the penalty is increased to criminal imprisonment for life where the offence is punished by thirty years' criminal

imprisonment and to thirty years' criminal imprisonment where the offence is punished by twenty years' criminal

imprisonment.

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The first two paragraphs of article 132-23 governing the safety period are applicable in the cases set out under the

present article.

ARTICLE 224-5-1

(Inserted by Act no. 2004-204 of 9 March 2004 article 12 VIII Official Journal of 10 March 2004)

Any person who has attempted to commit the felonies outlined in the present section is exempted from penalty if,

having alerted the judicial or administrative authorities, he has prevented the offence from being carried out, and, where

relevant, has enabled the other perpetrators or accomplices to be identified.

The prison sentence incurred by the perpetrator or the accomplice to any of the felonies outlined in the present

section is reduced by half if, by alerting the legal or administrative authorities, he has prevented the offence from being

carried out or has prevented the offence resulting in loss of life or permanent disability and, where relevant, has

identified any other perpetrators or accomplices. Where the sentence incurred is criminal life imprisonment, this is

reduced to twenty years' criminal imprisonment.

ARTICLE 224-5-2

(Inserted by Act no. 2004-204 of 9 March 2004 article 6 VI Official Journal of 10 March 2004)

Where the offences outlined in the first paragraph of article 224-1 and by articles 224-2 to 224-5 are carried out in

an organised gang, the penalties are increased to €1,000,000 and to:

1° thirty years' criminal imprisonment where the offence is punishable by twenty years' criminal imprisonment;

2° life criminal imprisonment where the offence is punishable by thirty years' criminal imprisonment.

The first two paragraphs of article 132-23 governing the safety period are applicable to this offence.

SECTION II

HIJACKING OF PLANES, SHIPS OR OTHER MEANS OF TRANSPORT Articles 224-6 to

224-8-1

ARTICLE 224-6

The seizure or taking over by violence or threat of violence of a plane, ship or any other means of transport on

board which persons have taken their places, or of any permanent platform situated on the continental shelf, is punished

by twenty years of criminal imprisonment.

The first two paragraphs of article 132-23 governing the safety period are applicable to this offence.

ARTICLE 224-7

The offence defined under article 224-6 is punished by criminal imprisonment for life where it is accompanied by

torture or acts of barbarity or where it has entailed the death of one or more persons.

The first two paragraphs of article 132-23 are applicable to this offence.

ARTICLE 224-8

(Act no. 92-1336 of 16 December Articles 3459 and 373 Official Journal 23 December 1992 into force on 1 March 1994)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The wilful endangering of the safety of an airborne aircraft or of a ship which is at sea through the communication of

false information is punished by five years' imprisonment and a fine of €75,000.

Attempt to commit the offence provided for by the present article is punished with the same penalty.

ARTICLE 224-8-1

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(Inserted by Act no. 2004-204 of 9 March 2004 article 12 IX Official Journal of 10 March 2004)

Any person who has attempted to commit the felonies outlined in the present section is exempted from penalty if,

having alerted the judicial or administrative authorities, he has prevented the offence from being carried out, and, where

relevant, has enabled the other perpetrators or accomplices to be identified.

The prison sentence incurred by the perpetrator of or the accomplice to any of the felonies outlined in the present

section is reduced by half if, by alerting the legal or administrative authorities, he has prevented the offence from being

carried out or has prevented the offence resulting in loss of life or permanent disability and, where relevant, has

identified any other perpetrators or accomplices. Where the sentence incurred is criminal life imprisonment, this is

reduced to twenty years' criminal imprisonment.

SECTION III

ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS Article 224-9

ARTICLE 224-9

Natural persons convicted of the offences provided for by the present chapter incur the following additional

penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition, pursuant to the conditions set out under article 131-27, to hold public office or to discharge the social

or professional activity in the exercise of which or on the occasion of the exercise of which the offence was committed;

3° prohibition to hold or carry a weapon requiring a licence for a maximum period of five years.

CHAPTER V

OFFENCES AGAINST THE DIGNITY OF PERSONS Articles 225-1 to 225-25

SECTION I

DISCRIMINATION Articles 225-1 to 225-4

ARTICLE 225-1

(Act no. 2001-1066 of 16 November 2001 Article 1 Official Journal of 17 November 2001)

(Act no. 2002-303 of 4 March 2002 Article 4 Official Journal of 5 March 2002)

Discrimination comprises any distinction applied between natural persons by reason of their origin, sex, family

situation, physical appearance or patronymic, state of health, handicap, genetic characteristics, sexual morals or

orientation, age, political opinions, union activities, or their membership or non-membership, true or supposed, of a given

ethnic group, nation, race or religion.

Discrimination also comprises any distinction applied between legal persons by reason of the origin, sex, family

situation, physical appearance or patronymic, state of health, handicap, genetic characteristics, sexual morals or

orientation, age, political opinions, union activities, membership or non-membership, true or supposed, of a given ethnic

group, nation, race or religion of one or more members of these legal persons.

ARTICLE 225-2

(Act no. 2001-1066 of 16 November 2001 Article 1 Official Journal of 17 November 2001)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

(Act no. 2004-204 of 9 March 2004 article 6 V Official Journal of 10 March 2004)

Discrimination defined by article 225-1, committed against a natural or legal person, is punished by three years'

imprisonment and a fine of €45,000 where it consists:

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1° of the refusal to supply goods or services;

2° of obstructing the normal exercise of any given economic activity;

3° of the refusal to hire, to sanction or to dismiss a person;

4° of subjecting the supply of goods or services to a condition based on one of the factors referred to under article

225-1;

5° of subjecting an offer of employment, an application for a course or a training period to a condition based on one

of the factors referred to under article 225-1;

6 ° of refusing to accept a person onto one of the courses referred to under 2 ° of article L.412-8 of the Social

Security Code.

Where the discriminatory refusal referred to under 1 ° is committed in a public place or in order to bar the access to

this place, the penalties are increased to five years' imprisonment and to a fine of €75,000.

ARTICLE 225-3

(Act no. 2002-303. of 4 March 2002 Article 4 Official Journal of 5 March 2002)

The provisions of the previous article do not apply to:

1° discrimination based on state of health, when it consists of operations aimed at the prevention and coverage of

the risk of death, of risks for the physical integrity of the person, or the risk of incapacity to work or invalidity. However,

when it is based on the consideration of predictive genetic tests relating to an illness that has not yet commenced or the

genetic predisposition towards an illness, this discrimination is punished by the penalties provided for by the previous

article;

2° discrimination based on state of health or handicap, if it consists of a refusal to hire or dismiss based on a

medically established incapacity, according to either the provisions of title IV of book II of the Labour Code, or of the

laws defining the statutory framework of the public service;

3° recruitment discrimination based on gender when the fact of being male or female constitutes the determining

factor in the exercise of an employment or professional activity, in accordance with the provisions of the Labour Code or

of the laws defining the statutory framework of the public service.

ARTICLE 225-4

Legal persons may incur criminal liability for the offence defined under article 225-2, pursuant to the conditions set

out under article 121-2. The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under 2°, 3°, 4°, 5°, 8° and 9° of article 131-39.

The prohibition referred to in 2° of article 131-39 applies to the activity in the exercise of which or on the occasion of

the exercise of which the offence was committed.

SECTION Ibis

TRAFFICKING IN HUMAN BEINGS Articles 225-4-1 to

225-4-9

ARTICLE 225-4-1

(Inserted by Act no. 2003-239 of 18 March 2003 Article 32 Official Journal of 19 March 2003)

Human trafficking is the recruitment, transport, transfer, accommodation, or reception of a person in exchange for

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remuneration or any other benefit or for the promise of remuneration or any other benefit, in order to put him at the

disposal of a third party, whether identified or not, so as to permit the commission against that person of offences of

procuring, sexual assault or attack, exploitation for begging, or the imposition of living or working conditions inconsistent

with human dignity, or to force this person to commit any felony or misdemeanour.

Human trafficking is punished by seven years' imprisonment and by a fine of €150,000.

ARTICLE 225-4-2

(Inserted by Act no. 2003-239 of 18 March 2003 Article 32 Official Journal of 19 March 2003)

The offence under article 225-4-1 is punished by 10 years' imprisonment and by a fine of €1,500,000 when it is

committed:

1° against a minor;

2° against a person whose particular vulnerability due to age, sickness, infirmity, to a physical or psychological

disability, or to pregnancy, is apparent or known to the perpetrator;

3°against two or more people;

4° against a person who is outside the territory of the French Republic or upon his arrival on the territory of the

French Republic;

5° when the person has been brought into contact with the perpetrator through the use of a telecommunications

network for the distribution of messages to a non-specified audience;

6° in circumstances which directly expose the person against whom the offence is committed to the immediate risk

of death or of injuries of a nature to cause mutilation or a permanent disability;

7° with the use of threats, constraints, violence or fraudulent behaviour against the party concerned, his family or

someone who has a regular relationship with him;

8° by a legitimate, natural or adoptive ascendant of the victim of the offence provided for by article 225-4-1 or by a

person holding authority over him or who misuses the authority conferred by his position;

9 by a person whose post requires him to participate in the fight against human trafficking or to uphold public order.

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ARTICLE 225-4-3

(Inserted by Act no. 2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)

When it is committed by an organised gang, the offence provided for by article 225-4-1 is punished by 20 years'

imprisonment and by a fine of €3,000,000.

ARTICLE 225-4-4

(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)

The offence provided for by article 224-4-1, when committed with recourse to torture or acts of barbarity, is

punished by life imprisonment and by a fine of €4,500,000.

ARTICLE 225-4-5

(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)

When the felony or misdemeanour committed or to be committed against the victim of the offence of human

trafficking is punishable by a custodial sentence longer than the prison sentence applicable under articles 225-4-1 to

225-4-3, the human trafficking offence is punishable by sentences applicable to the felonies or misdemeanours of which

the perpetrator was aware, and if this felony or misdemeanour is accompanied by aggravating circumstances, by the

penalties applicable only to the aggravating circumstances of which the perpetrator had knowledge.

ARTICLE 225-4-6

(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)

Legal persons can be declared criminally responsible, under the provisions of article 121-2, for the offences

provided for in the present section. The penalties incurred by legal persons are:

1° a fine, subject to the terms of article 131-38;

2° the penalties mentioned by article 131-39.

ARTICLE 225-4-7

(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)

Attempt to commit the offences provided for by the present section is punished by the same penalties.

ARTICLE 225-4-8

(Inserted by Act no.2003-239 of 18 March 2003 Art. 32 Official Journal of 19 March 2003)

Being unable to account for resources corresponding to one's lifestyle while being in close contact with one or more

victims or perpetrators of the offences provided for by articles 225-4-1 to 225-4-6 is punished by 7 years' imprisonment

and by a fine of €750,000.

ARTICLE 225-4-9

(Inserted by Act no. 2004-204 of 9 March 2004 article 12 X Official Journal of 10 March 2004)

Any person who has attempted to commit the offences outlined in the present section is exempted from punishment

if, having alerted the judicial or administrative authorities, he has prevented the offence from being carried out, and,

where relevant, has enabled the other perpetrators or accomplices to be identified.

The prison sentence incurred by the perpetrator of or the accomplice to the offence is reduced by half if, by alerting

the legal or administrative authorities, he has enabled the offence to be stopped or has prevented the offence resulting

in loss of life or permanent disability and, where relevant, has identified the other perpetrators or accomplices. Where

the sentence incurred is criminal imprisonment for life, this is reduced to twenty years' criminal imprisonment.

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SECTION II

OF PROCURING AND ASSIMILATED OFFENCES Articles 225-5 to

225-10-1

ARTICLE 225-5

(Act no. 2001-1062 of 15 November 2001 Article 60 Official Journal 16 November 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September in force 1 January 2002)

(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)

Procuring is where any person, in whatsoever manner:

1° helps, assist or protects the prostitution of others;

2° makes a profit out of the prostitution of others, shares the proceeds of it or receives income from a person

engaging habitually in prostitution;

3° hires, trains or corrupts a person with a view to prostitution or exercises on such a person pressure to practice

prostitution or to continue doing so.

Procuring is punished by seven years' imprisonment and a fine of €150,000.

ARTICLE 225-6

(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)

The following acts committed by any person and in whatever manner are assimilated to procuring and are punished

by the penalties set out under article 225-5:

1° acting as an intermediary between two persons one of whom is engaged in prostitution and the other exploits or

remunerates the prostitution of others;

2° facilitating the justification of a procurer's fictitious resources;

3° being unable to account for an income compatible with one's lifestyle while living with a person habitually

engaged in prostitution or while entertaining a habitual relationship with one or more persons engaging in prostitution;

4° obstructing operations of prevention, control, assistance or re-education undertaken by institutions qualified to

deal with persons in danger of prostitution or engaging in prostitution.

ARTICLE 225-7

(Act no. 1998-468 of 17 June 1998 Article 13 Official Journal of 18 June 1998)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)

Procuring is punished by ten years' imprisonment and a fine of €1,500,000 where it is committed:

1° in respect of a minor;

2° in respect of a person whose particular vulnerability, due to age, sickness, to a infirmity, a physical or

psychological disability or to pregnancy, is apparent or known to the offender;

3° in respect of two or more persons;

4° in respect of a person who was incited to engage in prostitution either outside the territory of the French

Republic, or upon arrival on the territory of the French Republic;

5° by a legitimate, natural or adoptive ascendant of the person engaged in prostitution or by a person holding

authority over him or who misuses the authority conferred on him by his position;

6° by a person called upon to take part, by virtue of his position, in the fight against prostitution, in the protection of

health or in the keeping of the public peace;

7° by a person bearing a weapon;

8° with the use of constraint, violence or fraudulent behaviour;

9° by two or more acting as offenders or accomplices, although not constituting an organised gang.

10° through the use of a communications network for the distribution of messages to a non-specified audience.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the present article.

ARTICLE 225-7-1

(Act no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)

(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)

The offence of procuring is punished by fifteen years' criminal imprisonment and a fine of €3,000,000 where it is

committed against a minor under the age of fifteen.

ARTICLE 225-8

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)

The offence of procuring defined under article 225-7 is punished by twenty years' criminal imprisonment and a fine

of €3,000,000 where it is committed by an organised gang.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 225-9

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

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(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)

The offence of procuring committed by resorting to torture or acts of barbarity is punished by criminal imprisonment

for life and a fine of €4,500,000.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence provided for by

the present article.

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ARTICLE 225-10

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003 in force 1 January 2002)

A penalty of ten years' imprisonment and a fine of €750,000 is incurred by anyone who, acting directly or through an

intermediary:

1° holds, manages, exploits, directs, operates, finances or contributes to finance a place of prostitution;

2° holding, managing, exploiting, directing, operating, financing or contributing to finance any given place open to

the public or used by the public, accepts or habitually tolerates one or more persons to engage in prostitution within the

premises or their annexes, or solicits clients in such premises with a view to prostitution;

3° sells or makes available to one or more persons any premises or places not open to the public, in the knowledge

that they will there engage in prostitution;

4° sells, hires or makes available in any way whatsoever vehicles of any type to one or more persons knowing that

they will engage in prostitution in them.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under 1°

and 2° of the present article.

ARTICLE 225-11

(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)

Attempt to commit the misdemeanours set out under the present section is subject to the same penalties.

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ARTICLE 225-11-1

(Act no. 2004-204 of 9 March 2004 article 12 X Official Journal of 10 March 2004)

Any person who has attempted to commit the offences outlined in the present section is exempted from punishment

if, having alerted the judicial or administrative authorities, he has prevented the offence from being carried out, and,

where relevant, has enabled the other perpetrators or accomplices to be identified.

The prison sentence incurred by the perpetrator of or the accomplice to the offence is reduced by half if, by alerting

the legal or administrative authorities, he has enabled the offence to be stopped or has prevented the offence resulting

in loss of life or permanent disability and, where relevant, has identified the other perpetrators or accomplices. Where

the sentence incurred is criminal imprisonment for life, this is reduced to twenty years' criminal imprisonment.

ARTICLE 225-12

(Act no. 2003-239 of 18 March 2003 Article 50 1° Official Journal of 19 March 2003)

Legal persons may be convicted of the offences defined by articles 225-5 to 225-10, pursuant to the conditions set

out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties set out under article 131-39.

ARTICLE 225-10-1

(Inserted by Act no. 2003-239 of 18 March 2003 Article 50 2° Official Journal of 19 March 2003)

Publicly soliciting another person by any means, including passive conduct, with a view to inciting them to engage in

sexual relations in exchange for remuneration or a promise of remuneration is punished by two months' imprisonment

and by a fine of €3,750.

SECTION IIbis

OF RECOURSE TO MINORS' PROSTITUTION Articles 225-12-1 to

225-12-4

ARTICLE 225-12-1

(Decree no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)

(Act no. 2003-239 of 18 March 2003 Article 50 3° 4° Official Journal of 19 March 2003)

Soliciting, accepting or obtaining, in exchange for remuneration or a promise of a remuneration, relations of a sexual

nature with a minor who engages in prostitution, even if not habitually, is punished by three years' imprisonment and a

fine of €45,000.

Soliciting, accepting or obtaining in exchange for remuneration or a promise of remuneration, sexual relations with a

person whose particular vulnerability, due to age, sickness, infirmity, a physical or psychological disability or to

pregnancy, is apparent or known to the offender, and who engages in prostitution, even if not habitually, is punished by

the same penalties.

ARTICLE 225-12-2

(Decree no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)

(Act no. 2003-239 of 18 March 2003 Article 50 3° Official Journal of 19 March 2003)

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The penalty is increased to five years' imprisonment and to €75,000:

1° where the offence is committed habitually or against more than one person;

2° where the person was put in contact with the offender by the use, for the dissemination of messages to an

unrestricted public, of a communication network;

3° where the offence was committed by a person abusing the authority conferred upon him by his position.

The penalty is increased to seven years' imprisonment and to a fine of €100,000 where the offence was committed

against a minor under fifteen years of age.

ARTICLE 225-12-3

(Inserted by Decree no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)

Where the misdemeanours referred to under articles 225-12-1 to 225-12-2 are committed abroad by a French

national or by a person habitually resident on French territory, French law is applicable notwithstanding the second

paragraph of article 113-6, and the provisions of the second sentence of article 113-8 do not apply.

ARTICLE 225-12-4

(Inserted by Decree no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)

(Act no. 2003-239 of 18 March 2003 Article 50 3° Official Journal of 19 March 2003)

A legal person may incur criminal liability, pursuant to the conditions set out under article 121 -2, for the offences

defined under this Section of the present Code.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated in article 131-39.

The prohibition under 2° of article 131-39 applies to the activity in the exercise of which or on the occasion of the

exercise of which the offence was committed.

SECTION IIter

THE EXPLOITATION OF BEGGING Articles 225-12-5 to

225-12-7

ARTICLE 225-12-5

(Inserted by Act no. 2003-239 of 18 March 2003 Article 64 11° Official Journal of 19 March 2003)

Exploitation of begging is committed when a person in any way:

1° organises begging by another, with a view to profiting from it;

2° profits from another person's begging, shares the proceeds or receives income from a person who habitually

engages in begging;

3° hires, trains or corrupts a person in order to start them begging or exercises pressure on a person for them to

beg or to continue to do so;

4° for his personal gain, hires, trains or corrupts a person into offering services on a public highway in return for a

donation.

The fact of being unable to account for an income compatible with one's lifestyle while in practice influencing the

behaviour of one or more persons who practise begging, or being in a constant relationship with him or them, is

assimilated to the exploitation of begging.

Exploitation of begging is punished by three years' imprisonment and by a fine of €45,000.

ARTICLE 225-12-6

(Inserted by Act no. 2003-239 of 18 March 2003 Article 64 I 1° Official Journal of 19 March 2003)

The exploitation of begging is punished by five year's imprisonment and by a fine of €75, 000 when it is committed:

1° against a minor;

2° where it is committed against a person whose particular vulnerability, due to age, sickness, infirmity, a physical of

psychological disability or to pregnancy, is apparent or known to the perpetrator;

3° against two or more;

4° against a person who was incited to start begging either outside the territory of the French Republic, or upon his

arrival on the territory of the French Republic;

5° by a legitimate, natural or adoptive ascendant of the person begging, or by any other person having authority

over him or who misuses the authority conferred by his position;

6° with the use of constraint, violence or fraudulent behaviour towards the person who is begging, or his family or

another person in habitual contact with him;

7° by two or more persons acting as perpetrators or accomplices, although not constituting an organised gang.

ARTICLE 225-12-7

(Inserted by Act no.2003-239 of 18 March 2003 Art. 64I I° Official Journal of 19 March 2003.)

The exploitation of another person's begging is punished by ten years' imprisonment and by a fine of €1 500 000

when it is committed by an organised gang.

SECTION III

WORKING AND LIVING CONDITIONS WHICH INFRINGE HUMAN

ARTICLE 225-13

(Ordinance no. 2000-916 of 19 September 2000 Art.3 Official Journal of 22 September 2000 in force on 1 January 2002)

(Act no. 2003-239 of 18 March 2003 Art. 33 Official Journal of 19 March 2003)

Obtaining the performance of unpaid services or services against which a payment is made which clearly bears no

relation to the importance of the work performed from a person whose vulnerability or dependence is obvious or known

to the offender is punished by five years' imprisonment and by a fine of €150,000.

ARTICLE 225-14

(Ordinance no. 2000-916 of 19 September 2000 Art.3 Official Journal of 22 September 2000 in force on 1 January 2002)

(Act no. 2003-239 of 18 March 2003 Art. 34 Official Journal of 19 March 2003)

Subjecting a person, whose vulnerability or dependence is obvious or known to the offender, to working or living

conditions incompatible with human dignity is punished by five years' imprisonment and by a fine of €150,000.

ARTICLE 225-15

(Ordinance no. 2000-916 of 19 September 2000 Art.3 Official Journal of 22 September 2000 in force on 1 January 2002)

(Act no. 2003-239 of 18 March 2003 Art. 35 Official Journal of 19 March 2003)

The offences under articles 225-13 and 225-14 are punished by seven years' imprisonment and by a fine of

€200,000 when they are committed against more than one person.

Where they are committed against a minor, they are punished by seven years' imprisonment and by a fine of

€200,000.

Where they are committed against two or more, one or more of whom are minors, they are punished by 10 years'

imprisonment and by a fine of €300,000.

ARTICLE 225-16

(Act no. 1998-657 of 29 July 1998 Article 124 Official Journal of 31 July 98)

Legal persons may be convicted of the offences defined by articles 225-13 to 225-15, pursuant to the conditions set

out under article 121-2. The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties set out under article 131-39.

ARTICLE 225-15-1

(Inserted by Act no. 2003-239 of 18 March 2003 Art. 36 Official Journal of 19 March 2003)

For the application of articles 225-13 and 225-14, minors or others who have been victims of the acts described by

these articles upon their arrival on French national territory are considered to be vulnerable or in a situation of

dependence.

SECTION IIIbis

DEGRADING INITIATION CEREMONIES Articles 225-16-1 to

225-16-3

ARTICLE 225-16-1

(Act no. 1998-657 of 29 July 1998 Article 14 Official Journal of 31 July 1998; Ordinance No. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Except in cases of violence, threat or sexual assault, a person who induces another, with or without his consent, to

submit to or commit humiliating or degrading acts at demonstrations or meetings linked to schools or socio-educational

centres is punished by six months' imprisonment and a fine of €7,500.

ARTICLE 225-16-2

(Act no. 1998-657 of 29 July 1998 Article 14 Official Journal of 31 July 1998; Ordinance No. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The offence under article 225-16-1 is punished by one year's imprisonment and a fine of €15,000 where it is

committed against a person whose particular vulnerability, due to age, sickness, infirmity, a physical of psychological

disability or to pregnancy, is apparent or known to the perpetrator.

ARTICLE 225-16-3

(Act no. 1998-657 of 29 July 1998 Article 14 Official Journal of 31 July 1998; Ordinance No. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September into force 1 January 2002)

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Legal persons may incur criminal liability, in the manner provided by article 121-2, for the offences committed during

demonstrations or meetings linked to educational or socio-educational centres under 225-16-1 and 225-16-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties set out under article 131-39.

SECTION IV

VIOLATIONS OF RESPECT FOR THE DEAD Articles 225-17 to

225-18-1

ARTICLE 225-17

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Any violation of the physical integrity of a corpse, by any means, is punished by one year's imprisonment and a fine

of €15,000.

The violation or desecration of tombs, burials grounds or monuments erected to the memory of the dead, committed

by any means, is punished by one year's imprisonment and a fine of €15,000.

The penalty is increased to two years' imprisonment and to a fine of €30,000 where the offences defined under the

previous paragraph were accompanied by a violation of the physical integrity of the corpse.

ARTICLE 225-18

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Where the offences defined under the previous article were committed by reason of the membership or

non-membership, true or supposed, of the deceased persons to any given ethnic group, nation, race or religion,

penalties are increased to three years' imprisonment and to a fine of €45,000 in for the offences defined under the first

two paragraphs of article 225-17 and to five years' imprisonment and to a fine of €75,000 in relation to the offence

defined by the last paragraph of that article.

ARTICLE 225-18-1

(Inserted by Act no. 2001-504 of 12 June 2001 Article 11 Official Journal of 13 June 2001)

Legal persons may incur criminal liability for the offence defined under article 225-17 and 225-18, pursuant to the

conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under 2° to 9° of article 131-39;

3° the penalty referred to under 1° of article 131-39 for the offences referred to under article 225-18.

The prohibition referred to in 2° of article 131-39 applies to the activity in the exercise of which or on the occasion of

the exercise of which the offence was committed.

SECTION V

OF ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS Articles 225-19 to

225-21

ARTICLE 225-19

(Act no. 1998-657 of 26 July 1998 Article 124 Official Journal of 31 July 1998)

Natural persons convicted of the offences set out under Sections 1 and 3 of the present chapter also incur the

following additional penalties:

1° forfeiture of rights under 2° and 3° of article 131-26 for a maximum period of five years;

2° public display or dissemination of the decision pronounced, pursuant to the conditions set out under article

131-35;

3° mandatory closure, either for a maximum period of five years or permanently, of one, some or all of the premises

of the business belonging to the convicted person;

4° exclusion from public tenders either permanently or for a maximum period of five years;

5° confiscation of a housing business that has been used to commit the offence outlined in article 225-14;

6° the obligation to complete a citizenship course, according to the conditions set out under article 131-5-1.

ARTICLE 225-20

(Act no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)

(Act no. 2003-239 of 18 March 2003 Article 64 I 2 ° Official Journal of 19 March 2003)

Natural persons convicted of the offences under sections 1bis, 2, 2bis and 2ter of the present chapter also incur the

following additional penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition to discharge the social or professional activity in the exercise of which or on the occasion of the

exercise of which the offence was committed, pursuant to the conditions set out under article 131-27;

3° area banishment;

4° prohibition to manage, directly or indirectly, establishments open to the public or used by the public specified in

the sentence, to be employed there in any capacity or to have or continue any financial participation;

5° prohibition to hold or carry a weapon requiring a licence, for a maximum period of five years;

6° prohibition, for a maximum period of five years, to leave the territory of the French Republic.

ARTICLE 225-21

(Act no. 2003-239 of 18 March 2003 Article 64 I 3 ° Official Journal of 19 March 2003)

Any alien convicted of any of the offences set out under sections 1bis, 2 and 2ter of the present chapter may be

banished from French territory either permanently or for a maximum period of ten years, pursuant to the conditions set

out under article 131-10.

SECTION VI

PROVISIONS COMMON TO NATURAL AND LEGAL PERSONS Articles 225-22 to

225-25

ARTICLE 225-22

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Natural or legal persons convicted of the offences set out under Article 225-10 also incur the following additional

penalties:

1° permanent withdrawal of a bar or restaurant licence;

2° the mandatory closure, either permanent or for a maximum period of five years, of the entire establishment or of

the parts of the establishment used for the purpose of prostitution;

3° seizure of business capital and equipment.

ARTICLE 225-23

Temporary mandatory closure set out under the third paragraph (point 2°) of article 225-22 entails the suspension of

the bar or restaurant licence for the same length of time. The expiry of the said licence is suspended during the

mandatory closure period.

Permanent mandatory closure provided for under article 225-22 entails the permanent withdrawal of the bar or

restaurant licence.

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ARTICLE 225-24

Natural or legal persons convicted of the offences set out under articles 225-8 to 225-10 also incur:

1° confiscation of the movable assets directly or indirectly used for the commission of the offence as well as of any

products of the offence held by a person other than the person engaging in prostitution;

2° reimbursement of the repatriation expenses of the victim or victims.

ARTICLE 225-25

(Inserted by Act no. 2003-239 of 18 March 2003 Article 37 Official Journal of 19 March 2003)

Natural or legal persons convicted of the offences set out under sections 1bis and 2 of the present chapter, with the

exception of the offence set out under article 225-10-1, also incur the additional penalty of the confiscation of any or all

of their property, of whatever type, movable or immovable, and whether jointly or separately owned.

CHAPTER VI

OFFENCES AGAINST PERSONALITY Articles 226-1 to 226-32

SECTION I

OFFENCES AGAINST PRIVACY Articles 226-1 to 226-7

ARTICLE 226-1

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

A penalty of one year's imprisonment and a fine of €45,000 is incurred for any wilful violation of the intimacy of the

private life of other persons by resorting to any means of:

1° intercepting, recording or transmitting words uttered in confidential or private circumstances, without the consent

of their speaker;

2° taking, recording or transmitting the picture of a person who is within a private place, without the consent of the

person concerned.

Where the offences referred to by the present article were performed in the sight and with the knowledge of the

persons concerned without their objection, although they were in a position to do so, their consent is presumed.

ARTICLE 226-2

The same penalties apply to the keeping, bringing or causing to be brought to the knowledge of the public or of a

third party, or the use in whatever manner, of any recording or document obtained through any of the actions set out

under article 226-1.

Where the misdemeanour under the previous paragraph is committed through the press or by broadcasting, the

specific legal provisions governing those matters are applicable to define the persons who are responsible.

ARTICLE 226-3

The same penalties apply to the manufacture, import, detention, exhibition, offer, rental or sale, in the absence of a

ministerial authorisation whose conditions of granting are determined by decree of the Conseil d'Etat, of equipment

designed to perform operations which may constitute the offence set out under the second paragraph of article 226-15

or which, being designed for the detection of conversations from a distance, enable the commission of an offence under

article 226-1 and are enumerated on a list drawn up pursuant to the conditions determined by that Decree.

The same penalties apply to the advertising of a device liable to enable the commission of the offences set out

under article 226-1 and the second paragraph of article 226-15, where this advertisement constitutes an incentive to

commit such offences.

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ARTICLE 226-4

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Entering or unlawfully occupying the residence of another by means of manoeuvres, threats, acts of violence or

constraint, except where permitted by law, is punished by one year's imprisonment and a fine of €15,000.

ARTICLE 226-5

Attempts to commit the offences set out under the present section are similarly punishable.

ARTICLE 226-6

In the cases set out under articles 226-1 and 226-2, criminal proceedings may only be initiated on the complaint of

the victim, his legal representative or the legal successor to his rights.

ARTICLE 226-7

Legal persons may incur criminal liability for the offences defined by the present section, pursuant to the conditions

set out under article 121-2.

The penalties applicable to legal persons are:

1° a fine, pursuant to the conditions set out under Article 131-38;

2° prohibition, either permanent or for a maximum period of five years, to engage in, either directly or indirectly, the

social or professional activity in the exercise of which or on the occasion of the exercise of which the offence was

committed;

3° the public display or dissemination of the decision pursuant to the conditions set out under article 131-35.

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SECTION II

OFFENCES AGAINST THE IMAGE OF PERSONS Articles 226-8 to 226-9

ARTICLE 226-8

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

A sentence of one year's imprisonment and a fine of €15,000 apply to the publication by any means of any montage

made that uses the words or the image of a person without the latter's consent, unless it is obvious that it is a montage,

or this fact is expressly indicated

When the misdemeanour set out under the previous paragraph is committed through the press or by broadcasting,

the specific legal provisions governing those matters are applicable to define the persons who are responsible.

ARTICLE 226-9

Articles 226-5 and 226-7 are applicable to the present section.

SECTION III

MALICIOUS DENUNCIATION Articles 226-10 to

226-12

ARTICLE 226-10

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

A denunciation made by any means and directed against a specified person, of a fact that is liable to cause judicial,

administrative or disciplinary sanctions and that the maker knows to be totally or partially false, where it is sent either to

a judicial officer or to a judicial or administrative police officer, or to an authority with power to follow it up or to refer it to

the competent authority, or to hierarchical superiors or to the employer of the person concerned, is punished by five

years' imprisonment and a fine of €45,000.

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The falsity of the act denounced is conclusively established by a final decision of acquittal, or decision to drop the

prosecution, which declares that the alleged facts are not established or that they are not attributable to the person

denounced.

In any other case, the court seised with the prosecution of the denouncer weighs the accuracy of the denouncer's

accusations.

ARTICLE 226-11

Where the subject matter of the denunciation has led to a criminal prosecution, the prosecution case against the

denouncer may not be decided upon until after the decision putting a final end to the proceedings concerning that

matter.

ARTICLE 226-12

Legal persons may incur criminal liability, pursuant to the conditions set out under article 121-2, for the offence

defined under article 226-10.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° prohibition, either permanent or for a maximum period of five years, to engage in, either directly or indirectly, the

social or professional activity in the exercise of which or on the occasion of the exercise of which the offence was

committed;;

3° the public display or dissemination of the decision taken, pursuant to the conditions set out under article 131-35.

SECTION IV

BREACH OF SECRECY Articles 226-13 to

226-15

Paragraph 1

Of the breach of professional secrecy Articles 226-13 to

226-14

ARTICLE 226-13

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The disclosure of secret information by a person entrusted with such a secret, either because of his position or

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profession, or because of a temporary function or mission, is punished by one year's imprisonment and a fine of

€15,000.

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ARTICLE 226-14

(Act no. 98-468 of 17 June 1998 Article 15 Official Journal of 18 June 1998)

(Act no.2002-79 of 17 January 2002 article 89 Official Journal of 18 January 2002)

(Act no. 2003-239 of 18 March 2003 article 85 Official Journal of 19 March 2003)

(Act no. 2004-1 of 2 January 2004 article 11 Official Journal of 3 January 2004)

Article 226-13 is not applicable to the cases where the law imposes or authorises the disclosure of the secret. In

addition, it is not applicable:

1° to a person who informs a judicial, medical or administrative authority of cruelty or deprivation, including sexual

abuse, of which he has knowledge and which has been inflicted on a minor or a person unable to protect himself

because of his age, or physical or psychological state;

2° to a doctor who, with the consent of the victim, brings to the knowledge of the public prosecutor instances of

cruelty or deprivation, either physical or psychological, that he has observed in the exercise of his profession that cause

him to believe that physical, sexual or psychological violence of any sort, has been committed. Where the victim is a

minor, his consent is not necessary;

3° to health professionals or social work professionals who inform the prefect and, in Paris, the chief of police, that

someone who consults them presents a danger to himself or to other people when they know that this person has a

weapon or has manifested the intention to acquire one.

Alerting the competent authorities under the conditions provided for by the present article may not lead to

disciplinary sanctions.

The provisions of article 226-14 of the Criminal Code are applicable in New Caledonia, French Polynesia and the

islands of Wallis and Futuna.

Paragraph 2

Breach of the secrecy of correspondence Article 226-15

ARTICLE 226-15

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Maliciously opening, destroying, delaying or diverting of correspondence sent to a third party, whether or not it

arrives at its destination, or fraudulently gaining knowledge of it, is punished by one year's imprisonment and a fine of

€45,000.

The same penalty applies to the malicious interception, diversion, use or disclosure of correspondence sent,

transmitted or received by means of telecommunication, or the setting up of a device designed to produce such

interceptions.

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SECTION V

VIOLATIONS OF PERSONAL RIGHTS RESULTING FROM COMPUTER

FILES OR PROCESSES

Articles 226-16 to

226-24

ARTICLE 226-16

(Act no. 92-1336 of 16 December 1992 Articles 360 and 373 Official Journal of 23 December 1992 in force 1 March

1994)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September in force 1 January 2002)

(Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)

Processing data or causing data to be processed where the data concerned is of a personal nature, without

respecting the formalities required by statute prior to the processing of such data, is punished by five years'

imprisonment and a fine of €300,000, even where committed through negligence.

The same penalties apply to processing of data or causing data to be processed that has been subject to one of the

measures provided for in 2° of I of article 45 of Act no. 78-17 of 6 January 1978 regulating information technology, files

and liberty, even where this is committed through negligence.

ARTICLE 226-16-1

(Inserted by Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)

Except where this has been authorised under the conditions set out by the afore- mentioned Act no.78-17 of 6

January 1978, processing or causing data to be processed which is personal and which indicates a person or persons'

registration number in the National Register of Natural Persons is punished by five years' imprisonment and by a fine of

€300,000.

ARTICLE 226-16-1-A

(Inserted by Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)

Where data is processed or caused to be processed in the situations mentioned in paragraphs I or II of article 24 of

the above-mentioned Act no.78-17 of 6 January 1978, and the simplified or exempted norms prescribed for these

purposes by the National Commission for Data-processing and Civil Liberties are not respected, even through

negligence, this is punished by five years' imprisonment and by a fine of €30,000.

ARTICLE 226-17

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(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Carrying out or causing to be carried out the processing of personal data without putting into practice the measures

required by article 34 of the aforementioned Act no. 78-17 of 6 January 1978 is punished by five years' imprisonment

and a fine of €300,000.

ARTICLE 226-18

(Act no. 1994-548 of 1 July 1994 Article 4 Official Journal of 2 July 1994; Ordinance No. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September into force 1 January 2002; Act no.2004-801 of 6 August 2004 Article 14

Official Journal of 7 August 2004)

The collection of personal data by fraudulent, unfair or unlawful means is punished by five years' imprisonment and

a fine of €300,000.

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ARTICLE 226-18-1

(Inserted by Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)

Carrying out or causing to be carried out the processing of personal data relating to a natural person despite this

person's objection, when the processing is done for the purpose of seeking custom, particularly commercial custom, or

when the objection is founded on legitimate reasons, is punished by five years' imprisonment and a fine of €300,000.

ARTICLE 226-19

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Except in cases provided for by law, the recording or preserving in a computerised memory, without the express

agreement of the persons concerned, of personal data which directly or indirectly reveals their racial origins, political,

philosophical or religious opinions, or trade union affiliations, or their health or sexual orientation, is punished by five

years' imprisonment and a fine of €300,000.

The same penalty applies to the recording or preserving in a computerised memory of name-bearing information

relating to offences, convictions or supervision measures outside the cases provided for by law.

ARTICLE 226-19-1

(Inserted by Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)

Where the processing of personal data takes place the aim of which is research in the area of health, a penalty of

five years' imprisonment and a fine of €300,000 applies to any processing carried out:

1° without having previously individually informed the persons on whose account the personal data have been

collected or transmitted of their right to request access, rectification and objection, and of the nature of the data to be

transmitted ad the persons to whom it is to be sent;

2° despite the objection of the person concerned or, where this is required by law, in the absence of the informed

and express consent of this person, or where the person is dead, despite his refusal expressed when he was alive.

ARTICLE 226-20

(Act no. 2000-321 of 12 April 2000 Article 5 Official Journal of 13 April 2000; Ordinance No. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September into force 1 January 2002; Act no.2004-801 of 6 August 2004 Article 14

Official Journal of 7 August 2004)

The retention of personal data beyond the length of time specified by statute or by regulation, by the request for

authorisation or notice, or in the preliminary declaration sent to the National Commission for Data-processing and Civil

Liberties, is punished by five years' imprisonment and a fine of €300,000, except where the retention was carried out

historical, statistical or scientific purposes in conditions specified by law.

Except where the law otherwise provides, the same penalties apply to any processing of data held beyond the

periods mentioned in the previous paragraph, where this is done for purposes other than those which are historical,

statistical or scientific.

ARTICLE 226-21

(Act no. 1995-116 of 4 February 1995 Article 34 Official Journal of 5 February 1995; Ordinance No. 2000-916 of 19

September 2000 Article 3 Official Journal of 22 September into force 1 January 2002; Act no.2004-801 of 6 August 2004

Article 14 Official Journal of 7 August 2004)

Anyone holding personal data at the time of its recording, classification, transmission or any other form of

processing who diverts this information from its proper purpose, as defined by the legislative provision or regulation or

decision of the National Commission for Data-processing and Civil Liberties authorising automated processing, or by the

preliminary statement made before the implementation of such processing, is punished by five years' imprisonment and

a fine of €300,000.

ARTICLE 226-22

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

Anyone who has collected, at the time of its recording, classification, transmission or any other form of processing,

personal data the disclosure of which would result in undermining the reputation of the concerned person or cause harm

to the intimacy of his private life, and then brings such information to the knowledge of a third party who has no authority

to receive it without prior authorisation of the person concerned, is punished by three years' imprisonment and a fine of

€300,000.

Disclosure contrary to the previous paragraph is punished by a fine of €100,000 where it was committed by

carelessness or negligence.

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In the cases set out under the two previous paragraphs, the prosecution may only be initiated upon the complaint of

the victim, his legal representative or successors.

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ARTICLE 226-22-1

(Inserted by Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)

Except in cases provided for by law, transferring or causing to be transferred any personal data used or intended for

use in data processing to a State not belonging to the European Community in breach of any measures taken by the

National Commission for Data-processing and Civil Liberties described in article 70 of the aforementioned Act no. 78-17

of 6 January 1978 is punished by 5 years' imprisonment and a fine of €300,000.

ARTICLE 226-22-2

(Inserted by Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)

In the cases provided for by articles 226-16 to 226-22-1, the destruction of the personal data the processing of

which has given rise to the offence may be ordered. The members or officials of the National Commission for

Data-processing and Civil Liberties are authorised to verify the destruction of such information.

ARTICLE 226-23

(Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)

The provisions of article 226-19 are applicable to the non-automated processing of personal data, when the

processing operation does not take place exclusively in the course of activities that are purely private.

ARTICLE 226-24

(Act no.2004-801 of 6 August 2004 Article 14 Official Journal of 7 August 2004)

Legal persons may incur criminal liability, under the conditions provided by article 121-2, for the offences set out in

the present section.

The penalties applicable to legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under 2°, 3°, 4°, 5°, 7°, 8° and 9° of article 131-39.

The prohibition mentioned under 2° of article 131-39 applies to the activity in the exercise of which or on the

occasion of the exercise of which the offence was committed.

SECTION VI

OFFENCES AGAINST PERSONS RESULTING FROM EXAMINATION

OF GENETIC CHARACTERISTICS OR IDENTIFICATION OF DNA PROFILES

Articles 226-25 to

226-30

ARTICLE 226-25

(Act no. 1992-1336 of 16 December 1992 Articles 361 and 373 Official Journal of 23 December 1992 into force 1 March

1994; Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994; Ordinance No. 2000-916 of 19

September 2000 Article 3 Official Journal of 22 September into force 1 January 2002; Act no.2004-801 of 6 August 2004

Article 14 Official Journal of 7 August 2004)

The study of the genetic characteristics of a person for purposes other medical purposes or scientific research, or

their study for medical purposes or scientific research without having obtained the person's prior consent pursuant to the

conditions set out under article 16-10 of the Civil Code, is punished by one year's imprisonment and a fine of €15,000.

ARTICLE 226-26

(Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994; Ordinance No. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September into force 1 January 2002)

The diversion from their intended purposes of medical or scientific research any information collected on a person

by way of a study of his genetic characteristics is punished by one year's imprisonment and a fine of €15,000.

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ARTICLE 226-27

(Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994; Ordinance No. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September into force 1 January 2002; Act no.2004-801 of 6 August 2004 Article 14

Official Journal of 7 August 2004)

Researching the identification of a person through his DNA profile for medical purposes without obtaining his

consent prior pursuant to the conditions set out under article 16-11 of the Civil Code is punished by one year's

imprisonment and a fine of €15,000.

ARTICLE 226-28

(Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994)

(Ordinance No. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September into force 1 January 2002)

(Act no. 2005-270 of 24 March 2005 Article 93 II Official Journal of 26 March 2005 in force 1 July 2005)

Researching the identification of a person through his DNA profile, if it does not involve a member of the military

deceased during an operation led by the armed forces or a linked group, for purposes neither medical nor scientific, or

other than in an inquiry or investigation made in the course of judicial proceedings, is punished by one year's

imprisonment and a fine of €15,000.

The same penalty applies to the disclosure of information concerning the identification of a person through his DNA

profile or proceeding to the identification of a person through his DNA profile without holding the authorisation provided

for under article L. 145-16 of the Public Health Code.

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NOTE: Act no. 2005-270 of the 24th March 2005 article 106: the provisions of article 93 are applicable in

New-Caledonia, French Polynesia, Wallis-et-Futuna and Mayotte.

ARTICLE 226-29

(Inserted by Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994)

Attempt to commit the offences defined by articles 226-25, 226-26, 226-27 and 226-28 is subject to the same

penalties.

ARTICLE 226-30

Legal persons may incur criminal liability for the offences defined by this section of the present Code pursuant to the

conditions set out under article 121-2.

The penalties applicable to legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under points 2°, 3°, 4°, 5°, 7°, 8° and 9° of article 131-39.

The prohibition referred to in 2° of article 131-39 applies to the activity in the exercise of which or on the occasion of

the exercise of which the offence was committed.

SECTION VII

ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS Articles 226-31 to

226-32

ARTICLE 226-31

(Inserted by Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994)

Natural persons convicted of any of the offences set out in the present chapter also incur the following additional

penalties:

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1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition to discharge the social or professional activity in the exercise of which or on the occasion of the

exercise of which the offence was committed, pursuant to the conditions set out under article 131-27;

3° prohibition to hold or carry a weapon requiring a licence, for a maximum period of five years;

4° the public display or dissemination of the decision taken, pursuant to the conditions set out under article 131-35.

5° in the cases under articles 226-1 to 226-3, 226-8, 226-15 and 226-28, the confiscation of the thing which was

used or was intended for the commission of the offence, or of the thing which is the product of it. Confiscation of the

equipment referred to under article 226-3 is mandatory.

ARTICLE 226-32

(Inserted by Act no. 1994-653 of 29 July 1994 Article 8 Official Journal of 30 July 1994)

Natural persons convicted of the offences under article 226-28 and of any attempt to commit these offences who

hold the capacity of a judicially appointed expert are also liable to be struck off the list on which they are inscribed.

CHAPTER VII

OFFENCES AGAINST MINORS AND THE FAMILY Articles 227-1 to 227-31

SECTION I

DESERTION OF MINORS Articles 227-1 to 227-2

ARTICLE 227-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1January 2002)

The abandonment of a minor under fifteen years of age in any given place is punished by seven years'

imprisonment and a fine of €100,000 except where the circumstances of the abandonment enabled the health and the

safety of the minor to be assured.

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ARTICLE 227-2

The abandonment of a minor under fifteen years of age causing the minor to suffer mutilation or permanent

disability is punished by twenty years' criminal imprisonment.

The abandonment of a minor under fifteen years of age causing the death of the minor is punished by thirty years'

criminal imprisonment.

SECTION II

DESERTION OF FAMILY Article 227-3

ARTICLE 227-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force the 1 January

2002)

The non-execution of a judicial decision or a judicially affirmed agreement imposing upon a person an obligation to

pay, in the interest of a legitimate, natural or adoptive child, of a descendant, an ascendant or spouse, a pension, a

contribution, subsidies or benefits of any nature on the basis of one of the family obligations set out in titles V, VI, VII and

VIII of Book I of the Civil Code, by remaining more than two months without fulfilling that duty in its entirety is punished

by two years' imprisonment and a fine of €15,000.

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The offences referred to in the first paragraph of the present article are assimilated to abandoning the family for the

purposes of 3° of article 373 of the Civil Code.

ARTICLE 227-4

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(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Failure by a person bound under the conditions referred to in article 227-3 to pay a pension, a contribution,

subsidies or benefits of any nature, to notify a change of official address to the creditor within a time-limit of one month

from the date of the change is punished by six months' imprisonment and a fine of €7,500.

ARTICLE 227-4-1

(Inserted by Act no. 2001-504 of 12 June 2001 Article 12 Official Journal of 13th June 2001)

Legal persons may incur criminal liability pursuant to the conditions set out under article 121-2 for offences under

this Section of the present Code.

The penalties incurred by legal persons are:

1° a fine, in the manner prescribed by article 131-38;

2° the penalties referred to under 2° to 9° of article 131-39.

The prohibition specified under 2° of article 131-39 relates to the activities in the course of which or on the occasion

of the performance of which the offence was committed.

ARTICLE 227-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force the 1 January

2002)

(Ordinance no. 2005-759 of 4 July 2005 Article 19 I Official Journal of 7 July 2005 in force 1 July 2006)

The non-execution of a judicial decision or a judicially affirmed agreement imposing upon a person an obligation to

pay, in the interest of a child, of a descendant, an ascendant or spouse, a pension, a contribution, subsidies or benefits

of any nature on the basis of one of the family obligations set out in titles V, VI, VII and VIII of Book I of the Civil Code,

by remaining more than two months without fulfilling that duty in its entirety is punished by two years' imprisonment and

a fine of €15,000.

The offences referred to in the first paragraph of the present article are assimilated to abandoning the family for the

purposes of 3° of article 373 of the Civil Code.

SECTION III

OFFENCES AGAINST THE EXERCISE OF PARENTAL AUTHORITY Articles 227-5 to 227-11

ARTICLE 227-5

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The unlawful refusal to produce a minor child to the person who has the right to require the production of the child is

punished by one year's imprisonment and a fine of €15,000.

ARTICLE 227-6

(Act no. 96-604 of 5 July 1996 Article 27 Official Journal of 6th July 1996)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The omission by a person whose children reside habitually with him when moving elsewhere to notify his change of

address within one month from the date of such change to those persons entitled to exercise visiting or residence rights

over such children pursuant to a judgment or a judicially affirmed agreement is punished by six months' imprisonment

and a fine of €7,500.

ARTICLE 227-7

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Ordinance no. 2005-759 of 4 July 2005 Article 19 I Official Journal of 7 July 2005 in force 1 July 2006)

The abduction a minor from the care of persons who exercise parental authority over him or from persons to whom

he was entrusted, or with whom the child habitually resides, when committed by any ascendant, is punished by one

year's imprisonment and a fine of €15,000.

ARTICLE 227-8

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The abduction without fraud or violence of a minor from the care of persons who exercise parental authority over

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him or from persons to whom the he was entrusted or with whom he habitually resides, when committed by a person

other than those referred to in article 227-7, is punished by five years' imprisonment and a fine of €75,000.

ARTICLE 227-9

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2002-305 of 4 March 2002 Article 16 Official Journal of 5 March 2002)

The offences set out under articles 227-5 and 227-7 are punished by three years' imprisonment and a fine of

€45,000:

1° if the minor is retained in excess of five days, when the persons who have the right to claim him do not know

where he is;

2° if the minor is unlawfully kept outside the territory of the Republic.

ARTICLE 227-10

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Where the person guilty of the offences set out under articles 227-5 and 227-7 has been divested of parental

authority, such offences are punished by three years' imprisonment and a fine of €45,000.

ARTICLE 227-11

Attempt to commit the offences set out under articles 227-7 and 227-8 is subject to the same penalties.

SECTION IV

OFFENCES AGAINST FILIATION Articles 227-12 to

227-14

ARTICLE 227-12

(Act no. 94-653 of 29 July 1994 Article 4 Official Journal of 30th July 1994; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

The incitement of the parents or one of them to abandon a born or unborn child, made either for pecuniary gain, or

by gifts, promises, threats or abuse of authority, is punished by six months' imprisonment and a fine of €7,500 €.

Acting for pecuniary gain as an intermediary between a person desiring to adopt a child and a parent desiring to

abandon its born or unborn child is punished by one year's imprisonment and a fine of €15,000.

The penalties provided by the second paragraph apply to acting as an intermediary between a person or a couple

desiring to receive a child and a woman agreeing to bear this child with the intent to give it up to them. Where the

offence is habitually committed for pecuniary gain, the penalties incurred are doubled.

Attempt to commit the offences referred to under the second and third paragraphs of the present article is subject to

the same penalties.

ARTICLE 227-13

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Wilful substitution, false representation or concealment which infringes the civil status of a child is punished by three

years' imprisonment and a fine of €45,000.

Attempt to commit this offence is subject to the same penalties.

ARTICLE 227-14

Legal persons may incur criminal liability for the offences under the present Section, pursuant to the conditions set

out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties referred to in 1°, 2°, 3°, 8° and 9° of article 131-39.

SECTION V

ENDANGERMENT OF MINORS Articles 227-15 to

227-28-1

ARTICLE 227-15

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2003-239 of 18 March 2003 Art. 44 Official Journal of 19 March 2003)

(Ordinance no. 2005-759 of 4 July 2005 Article 19 I Official Journal of 7 July 2005 in force 1 July 2006)

Deprivation of food or care to the point of endangering the health of a minor under fifteen years of age, inflicted by

an ascendant or by any other person exercising parental authority or having authority over the minor, is punished by

seven years' imprisonment and a fine of €100,000.

Keeping a child under six years of age on a public highway or in a place used for the purposes of public transport

with the aim of soliciting the generosity of passers-by also constitutes deprivation of care.

ARTICLE 227-16

The offence defined by the previous article is punished by thirty years' criminal imprisonment where it causes the

death of the victim.

ARTICLE 227-17

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2002-1138 of 9 September 2002 Article 27 Official Journal of 10 September 2002)

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(Ordinance no. 2005-759 of 4 July 2005 Article 19 I Official Journal of 7 July 2005 in force 1 July 2006)

Failure by the father or mother, without a legitimate reason, to comply with their legal obligations to the point of

endangering the health, safety, morals or education of their minor child is punished by two years' imprisonment and a

fine of €30,000.

The offence referred to in the present article is assimilated to abandoning the family for the purposes of 3° of article

373 of the Civil Code.

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ARTICLE 227-17-1

(Act no. 98-1165 of 18th December 1998 Article 5 Official Journal of 22nd December 1998)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2005-380 of 23 April 2005 Article 8 II Official Journal of 24 April 2005)

Failure by the parents of a child or any other person exercising parental authority or de facto authority over him on a

continuous basis to register him in an educational institution without a valid reason, despite the receiving an official

warning by the Inspector of the Academy, is punished by six months' imprisonment and a fine of €7,500.

Failure by a director of a private institution running classes without a contract, despite receiving an official warning

by the Inspector of Academy, either to to take the necessary steps to ensure that the teaching there given complies with

the objects of compulsory education as defined in articles L 131-1-1 and L 131-10 of the Education Code, or to close

such classes down, is punished by six months' imprisonment and a fine of €7,500. In addition the court may forbid him to

manage or to provide courses, and also order the institution to be closed.

ARTICLE 227-17-2

(Act no. 98-1165 of 18th December 1998 Article 5 Official Journal of 22nd December 1998)

(Act no. 2001-504 of 12 June 2001 Article 13 Official Journal of 13th June 2001)

Legal persons may incur criminal liability pursuant to the conditions set out under article 121-2 for offences under

article 227-15 to 227-17-1.

The penalties incurred by legal persons are:

1° a fine in the manner prescribed under article 131-38;

2° penalties referred to under article 131-39.

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ARTICLE 227-18

(Act no. 98-468 of 17th June 1998 Article 16 Official Journal of 18th June 1998)

The direct provocation of a minor to make unlawful use of drugs is punished by five years' imprisonment and a fine

of €100,000.

Where it concerns a minor under fifteen years of age, or where the offence is committed inside a learning or

educational institution or, when the pupils are entering or leaving, outside such an institution, the offence under this

article is punished by seven years' imprisonment and a fine €150,000.

ARTICLE 227-18-1

(Act no. 96-392 of 13th May 1996 Article 18 Official Journal of 14th May 1996)

(Act no. 98-468 of 17th June 1998 Article 16 Official Journal of 18th June 1998)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The direct provocation of a minor to transport, keep, offer or give controlled drugs is punished by seven years'

imprisonment and a fine of €150,000.

Where it concerns a minor under fifteen years of age or where the offence is committed inside a learning or

educational institution or, when the pupils are entering or leaving, outside such an institution, the offence under this

article is punished by ten years' imprisonment and a fine of €300,000.

ARTICLE 227-19

(Act no. 98-468 of 17th June 1998 Article 16 Official Journal of 18th June 1998)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

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The direct provocation of a minor to regular excessive consumption of alcoholic beverages is punished by two

years' imprisonment and a fine €45,000.

Where it concerns a minor under fifteen years of age or where the offence is committed inside a learning or

educational institution or, when the pupils are entering or leaving, outside such an institution, the offence under this

article is punished by three years' imprisonment and a fine of €75,000.

ARTICLE 227-20

Repealed (by Act no. 2003-239 of 18 March 2003 Article 64 Official Journal of 19 March 2003)

ARTICLE 227-21

(Act no. 98-468 of 17 June 1998 Article 16 Official Journal of 18 June 1998)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2002-1138 of 9 September 2002 Article 28 Official Journal of 10 September 2002)

The direct provocation of a minor to commit a felony or a misdemeanour is punished by five years' imprisonment

and a fine of €150,000.

Where it concerns a minor under fifteen years of age and this minor is provoked to habitually commit felonies or

misdemeanours, or where the offence is committed inside a school or educational institution or outside such an

institution when the pupils are entering or leaving, the offence under this article is punished by seven years'

imprisonment and a fine of €150,000.

ARTICLE 227-22

(Act no. 98-468 of 17 June 1998 Article 16 Official Journal of 18 June 1998)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2004-204 of 9 March 2004 article 6 VII Official Journal of 10 March 2004)

Assisting or attempting to assist in the corruption of a minor is punished by five years' imprisonment and a fine of

€75,000. The penalty is increased to seven years' imprisonment and a fine of €100,000 where the minor is under fifteen

years of age, where the minor was put in contact with the offender by the use, for the dissemination of messages to an

unrestricted public, of a telecommunications network, or where the offence is committed inside a learning or educational

institution or, when the pupils are entering or leaving, outside such an institution.

The same penalties are in particular applicable to the organisation, by an adult, of meetings involving indecent

exposure or sexual relations at which minors are present or are participating.

The penalties are increased to ten years' imprisonment and to fine of €1,000,000 where the offence was committed

by an organised gang.

ARTICLE 227-23

(Act no. 98-468 of 17 June 1998 Article 17 Official Journal of 18 June 1998)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act No. 2002-305 of 4 March 2002 Article 14 Official Journal of 5 March 2002)

(Act no. 2004-204 of 9 March 2004 article 6 VII Official Journal of 10 March 2004)

Taking, recording or transmitting a picture or representation of a minor with a view to circulating it, where that image

or representation has a pornographic character, is punished by three years' imprisonment and a fine of €45,000.

Attempting to do so is subject to the same penalties.

The same penalty applies to offering or distributing such a picture or representation by any means, and to importing

or exporting it, or causing it to be imported or exported.

The penalties are increased to five years' imprisonment and a fine of €75,000 where use was made of a

communication network for the circulation of messages to an unrestricted public in order to circulate the image or

representation of a minor.

Possessing such an image or representation is punished by two years' imprisonment and a fine of €30,000.

The offences set out in the second, third and fourth paragraphs are punished by ten years' imprisonment and by a

fine of €500,000 where they are committed by an organised gang.

The provisions of the present article also apply to the pornographic images of a person whose physical appearance

is that of a minor unless it is proved that the person was over eighteen on the day his picture was taken or recorded.

ARTICLE 227-24

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The manufacture, transport, distribution by whatever means and however supported, of a message bearing a

pornographic or violent character or a character seriously violating human dignity, or the trafficking in such a message,

is punished by three years' imprisonment and a fine of €75,000, where the message may be seen or perceived by a

minor.

Where the offences under the present article are committed through the press or by broadcasting, the specific legal

provisions governing those matters are applicable to define the persons who are responsible.

ARTICLE 227-25

(Act no. 98-468 of 17th June 1998 Article 18 Official Journal of 18th June 1998)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The commission without violence, constraint, threat or surprise of a sexual offence by an adult on the person of a

minor under fifteen years of age is punished by five years' imprisonment and a fine of €75,000.

ARTICLE 227-26

(Act no. 94-89 of 1 February 1994 Article 15 Official Journal of 2 February 1994 in force 1 March 1994)

(Act no. 95-116 of 4 February 1995 Article 121 Official Journal of 5 February 1995)

(Act no. 98-468 of 17 June 1998 Article 13, Article 19 Official Journal of 18 June 1998)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)

The offence set out under article 227-25 is punished by ten years' imprisonment and a fine of €150,000:

1° when it was committed by a legitimate, natural or adoptive ascendant or by any other person having authority

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over the victim;

2° when it was committed by a person abusing the authority conferred by his position;

3° when it was committed by two or more persons acting as perpetrators or accomplices;

4° when the minor was put in contact with the offender by using a telecommunications network for the dissemination

of messages to an unrestricted public.

ARTICLE 227-27

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Sexual acts committed without violence, constraint, threat or surprise on a minor aged over fifteen and not

emancipated by marriage are punished by two years' imprisonment and a fine of €30,000:

1° where they are committed by a legitimate, natural or adoptive ascendant or by any other person having authority

over the victim;

2° where they are committed by a person abusing the authority conferred by his functions.

ARTICLE 227-27-1

(Inserted by Act no. 98-468 of 17th June 1998 Article 19 Official Journal of 18th June 1998)

Where the misdemeanours under articles 227-22, 227-23 or 227-25 to 227-27 are committed abroad by a French

national or a person habitually residing on French territory, French law shall apply notwithstanding the second paragraph

of article 113-6 and the provisions of the second sentence of article 113-8 do not apply.

ARTICLE 227-28

Where the incitement was committed through the press or by broadcasting, the specific legal provisions governing

those matters are applicable to define the persons who are responsible.

ARTICLE 227-28-1

(Act no. 98-468 of 17 June 1998 Article 20 Official Journal of 18 June 1998)

(Act no. 2002-305 of 4 March 2002 Article 13 Official Journal of 5 March 2002)

Legal persons may incur criminal liability in the manner prescribed by article 121-2 for the offences provided for

under articles 227-18 to 227-26.

The penalties incurred by legal persons are:

1° a fine in the manner provided under article 131-38;

2° the penalties referred to under 2°, 3°, 4°, 5°, 7°, 8°, and 9° of article 131-39.

The prohibition referred to under 2° of article 131-39 applies to the activity in course of which or on the occasion of

the performance of which the offence was committed.

SECTION VI

ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS Articles 227-29 to

227-31

ARTICLE 227-29

(Act no. 98-468 of 17th June 1998 Article 21 Official Journal of 18th June 1998)

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Natural persons convicted of the offences provided for under the present chapter also incur the following additional

penalties:

1° forfeiture of civic, civil and family rights, in accordance with the conditions laid down under Article 131-26;

2° suspension of the driving licence for a maximum period of five years; this suspension may be limited to driving

other than in the course of professional activity;

3° cancellation of the driving licence together with the prohibition, for a maximum period of five years, to apply for

the issue of a new one;

4° prohibition, for a maximum period of five years, to leave the territory of the French Republic.

5° confiscation of the object which was used or intended to commit the offence or the object which is the product of

it;

6° prohibition, for a period of up to ten years or permanently, to undertake any professional or charitable activity

involving regular contact with minors.

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ARTICLE 227-30

Natural persons convicted of the offences referred to under Section IV of the present Chapter also incur the

additional penalty of the public display or dissemination of the decision set out under article 131-35.

ARTICLE 227-31

(Act no. 98-468 of 17th June 1998 Article 4 Official Journal of 18th June 1998)

Persons guilty of the offences under articles 227-22 to 227-27 may in addition be sentenced to a social and judicial

supervision in the manner prescribed by articles 131-36-1 to 131-36-8.

BOOK III

FELONIES AND MISDEMEANOURS AGAINST PROPERTY Articles 311-1 to 324-9

TITLE I

FRAUDULENT APPROPRIATIONS Articles 311-1 to 314-13

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CHAPTER I

THEFT Articles 311-1 to 311-16

SECTION I

SIMPLE AND AGGRAVATED THEFTS Articles 311-1 to

311-4-1

ARTICLE 311-1

Theft is the fraudulent appropriation of a thing belonging to another person.

ARTICLE 311-2

Dishonest appropriation of energy to the prejudice of another person is assimilated to theft.

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ARTICLE 311-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Theft is punished by three years' imprisonment and a fine of €45,000.

ARTICLE 311-4

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2004-204 of 9 March 2004 article 40 I Official Journal of 10 March 2004)

Theft is punished by five years' imprisonment and a fine of €75,000:

1° where it is committed by two or more acting as perpetrators or accomplices although they do not form an

organised gang;

2° by a person holding public authority or discharging a public service mission, in the exercise or at the occasion of

the exercise of the functions or mission;

3° where it is committed by a person unlawfully assuming the capacity of a person holding public authority or

discharging a public service mission;

4° where it is preceded, accompanied or followed by acts of violence on other persons which have not caused any

total incapacity to work;

5° where it is facilitated by the state of a person whose particular vulnerability, due to age, sickness, infirmity, a

physical of psychological disability or to pregnancy, is apparent or known to the perpetrator;;

6° where it is committed within premises used as residence or within premises used or intended for the safekeeping

of funds, securities, goods or equipment, by gaining access to such premises by deceit, breaking in or climbing in;

7° where it is committed in a vehicle used for the public transport or on premises designed for access to a means of

public transport;

8° where it is preceded, accompanied or followed by an act of destruction, defacement or damage;

9° where it is committed because of the victim's membership or non-membership, true or supposed, of a given

ethnic group, nation, race or religion, or his true or supposed sexual orientation.

The penalty is increased to seven years' imprisonment and to a fine of €100,000 where the theft is committed in two

of the circumstances set out under the present article. It is increased to ten years' imprisonment and a fine of €150,000

where the theft is committed in three of those circumstances.

ARTICLE 311-5

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Theft is punished by seven years' imprisonment and a fine of €100,000 where it is preceded, accompanied or

followed by acts of violence upon other persons, causing a maximum total incapacity to work of eight days.

ARTICLE 311-6

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Theft is punished by ten years' imprisonment and a fine of €150,000 where it is preceded, accompanied or followed

by acts of violence upon other persons causing a total incapacity to work of more than eight days.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence referred to under

the present article.

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ARTICLE 311-7

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Theft is punished by fifteen years' criminal imprisonment and a fine of €150,000 where it is preceded, accompanied

or followed by acts of violence upon other persons causing mutilation or permanent disability.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence referred to under

the present Article.

ARTICLE 311-8

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Theft is punished by twenty years' criminal imprisonment and a fine of €150,000 where it is committed either with

the use or threatened use of a weapon, or by a person carrying a weapon requiring a licence or the carrying of which is

prohibited.

The first two paragraphs of article 132-3 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 311-9

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

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Theft committed by an organised gang is punished by fifteen years' criminal imprisonment and a fine of €150,000.

It is punished by twenty years' criminal imprisonment and a fine of €150,000 where it is preceded, accompanied or

followed by violence committed against other persons.

It is punished by thirty years' criminal imprisonment and a fine of €150,000 where it is committed either with the use

or threatened use of a weapon, or by a person carrying a weapon requiring a licence or the carrying of which is

prohibited.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences referred to

under the present article.

ARTICLE 311-9-1

(Inserted by Act no. 2004-204 of 9 March 2004 article 12 XII Official Journal of 10 March 2004)

Any person who has attempted to commit a theft acting in an organised gang, as set out under article 311-9, is

exempted from punishment if, by alerting the legal or administrative authorities, he has prevented the commission of the

offence, and where relevant, has identified the other perpetrators or accomplices.

The custodial sentence incurred by a perpetrator or accomplice to a theft acting in an organised gang is reduced by

half if, by alerting the legal or administrative authorities, he has allowed the offence which is underway to be stopped, or

has prevented it from resulting in loss of life or permanent disability, and, where relevant, has identified any other

perpetrators or accomplices.

ARTICLE 311-10

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Theft is punished by criminal imprisonment for life and a fine of €150,000 where it is preceded, accompanied or

followed either by violence causing death, or acts of torture or barbarity.

The first two paragraphs of article 132-3 governing the safety period are applicable to the offence referred to under

the present article.

ARTICLE 311-11

For the purpose of articles 311-4, 311-5, 311-6, 311-7, 311-9 and 311-10 theft followed by acts of violence

committed to assist an escape or to ensure the impunity of a perpetrator or an accomplice constitutes theft followed by

violence.

ARTICLE 311-4-1

(Inserted by Act no. 2002-1138 of 9 September 2002 Article 26 Official Journal of 10 September 2002)

Where it is committed by an adult with the assistance of one of more minors acting as perpetrators or accomplices,

theft is punished by seven years' imprisonment and by a fine of €100,000.

Where the adult offender is assisted by one or more minors aged under than thirteen years old, the penalties are

increased to ten years' imprisonment and a fine of €150,000.

SECTION II

GENERAL PROVISIONS Articles 311-12 to

311-13

ARTICLE 311-12

No prosecution may be initiated where a theft is committed by a person:

1° to the prejudice of his or her ascendant or his or her descendant;

2° to the prejudice of a spouse, except where the spouses are separated or authorised to reside separately.

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ARTICLE 311-13

Attempt to commit the misdemeanours provided for under this chapter is similarly punishable.

SECTION III

ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS AND

LIABILITY OF LEGAL PERSONS

Articles 311-14 to

311-16

ARTICLE 311-14

(Act no. 2004-204 of 9 March 2004 article 44 XII Official Journal of 10 March 2004)

Natural persons convicted of any of the offences provided for under this chapter are also subject to the following

additional penalties:

1° forfeiture of their civic, civil and family rights, pursuant to the conditions set out under article 131-26;

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2° prohibition, pursuant to the conditions set out under article 131-27, to hold public office or to undertake the social

or professional activity in the course of which or on the occasion of the performance of which the offence was

committed, this prohibition being permanent or temporary in the cases set out under articles 311-6 to 311-10 and being

imposed for a maximum period of five years in the cases set out under articles 311-3 to 311-5;

3° prohibition to hold or carry a weapon requiring a licence for a maximum period of five years;

4° confiscation of the thing which was used or intended for the commission of the offence, or of the thing which is

the product of it, with the exception of articles subject to restitution;

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5° area banishment pursuant to the conditions set out under article 131-31, in the cases set out under articles 311-6

to 311-10;

6° the obligation to complete a citizenship course, pursuant to the conditions set out under article 131-5-1.

ARTICLE 311-15

Any alien convicted of any of the offences referred to under articles 311-6 to 311-10 may be banished from French

territory either permanently or for a maximum period of ten years, pursuant to the conditions set out under article

131-30.

ARTICLE 311-16

Legal persons may incur criminal liability for the offences defined by the present chapter in accordance with the

conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalty referred to under 2° of article 131-39, either permanently or temporarily in the cases provided for

under articles 311-6 to 311-10, or for a maximum period of five years in the cases set out under articles 311-3 to 311-5;

3° the penalty referred to in 8° of article 131-39.

The prohibition referred to under 2° of article 131-39 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

CHAPTER II

EXTORTION Articles 312-1 to 312-15

SECTION I

EXTORTION Articles 312-1 to 312-9

ARTICLE 312-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Extortion is the act of obtaining by violence, by the threat of violence or constraint either a signature, a commitment

or a renunciation, or the revelation of a secret, or the handing over of funds, securities or of any asset.

Extortion is punished by seven years' imprisonment and a fine of €100,000.

ARTICLE 312-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Extortion is punished by ten years' imprisonment and a fine of €150,000:

1° when it is preceded, accompanied or followed by acts of violence upon other persons and which have caused a

total incapacity to work for eight days or less;

2° when it is committed to the prejudice of a person whose particular vulnerability, due to age, sickness, infirmity, a

physical of psychological disability or to pregnancy, is apparent or known to the perpetrator;

3° when it is committed because of the victim's membership or non-membership, true or supposed, of a given ethnic

group, nation, race or religion, or his true or supposed sexual orientation.

ARTICLE 312-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Extortion is punished by fifteen years' criminal imprisonment and a fine of €150,000 when it is preceded,

accompanied or followed by acts of violence upon other persons causing a total incapacity to work in excess of eight

days.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 312-4

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Extortion is punished by twenty years' criminal imprisonment and a fine of €150,000 when it is preceded,

accompanied or followed by acts of violence upon other persons causing mutilation or permanent disability.

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The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 312-5

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(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Extortion is punished by thirty years' criminal imprisonment and a fine of €150,000 where it was committed either

with the use or threat to use[threatened use of] a weapon, or by a person carrying a weapon requiring a licence or the

carrying of which is prohibited.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 312-6

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Extortion committed by an organised gang is punished by twenty years' criminal imprisonment and a fine of

€150,000.

It is punished by thirty years' criminal imprisonment and a fine of €150,000 when it is preceded, accompanied or

followed by violence upon other persons causing mutilation or permanent disability.

It is punished by criminal imprisonment for life where it was committed either with the use or threatened use of a

weapon, or by a person carrying a weapon requiring a licence or the carrying of which is prohibited.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the present article.

ARTICLE 312-6-1

(Inserted by Act no. 2004-204 of 9 March 2004 article 12 XIII Official Journal of 10 March 2004)

Any person who has attempted to commit extortion acting in an organised gang, as provided for by article 312-6, is

exempted from punishment if, by alerting the legal or administrative authorities, he has prevented the commission of the

offence, and, if applicable, has identified any other perpetrators or accomplices.

The custodial sentence incurred by a perpetrator or accomplice to the offence of extortion acting in an organised

gang is reduced by half if, by alerting the legal or administrative authorities, he has allowed the offence to be stopped or

has prevented it from resulting in loss of life or permanent disability, and, where relevant, has identified any other

perpetrators or accomplices. Where the sentence incurred is life criminal imprisonment, this is reduced to twenty years'

criminal imprisonment.

ARTICLE 312-7

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Extortion is punished by criminal imprisonment for life and a fine of €150,000 when it is preceded, accompanied or

followed either by acts of violence causing death, or acts of torture or barbarity.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 312-7-1

(Inserted by Act no. 2004-204 of 9 March 2004 article 6 IX Official Journal of 10 March 2004)

Being unable to account for resources corresponding to one's lifestyle when habitually in close contact with one or

more persons who have committed the offences provided for by articles 312-6 and 312-7, or facilitating the justification

of fictitious resources for the same people, is punished by ten years' imprisonment and a fine of €150,000.

ARTICLE 312-8

For the purpose of articles 312-2, 312-3, 312-4, 312-6 and 312-7 extortion followed by acts of violence committed to

assist an escape or to ensure the impunity of a perpetrator or an accomplice constitutes extorsion followed by violence.

ARTICLE 312-9

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Attempt to commit the misdemeanours set out under this Section of the present Code is subject to the same

penalties.

The provisions of article 311-12 are applicable to offences defined by the present Section.

SECTION II

OF BLACKMAIL Articles 312-10 to

312-12

ARTICLE 312-10

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Blackmail is the act of the obtaining either a signature, a commitment or a renunciation, the revelation of a secret, or

the handing over of funds, valuables or any asset, by threatening to reveal or to impute facts liable to undermine a

person's honour or reputation.

Blackmail is punished by five years' imprisonment and a fine of €75,000.

ARTICLE 312-11

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

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Where the blackmailer has put his threat into execution the penalty is increased to seven years' imprisonment and

to a fine a €100,000.

ARTICLE 312-12

Attempt to commit the misdemeanours set out under this Section of the present Code is subject to the same

penalties.

The provisions of article 311-12 are applicable to the offences defined in the present section.

SECTION IIbis

OFFENCES RELATING TO EXTORTION Article 312-12-1

ARTICLE 312-12-1

(Inserted by Act no. 2003-239 of 18 March 2003 Art. 65 Official Journal of 19 March 2003)

To solicit others to hand over of money, valuables or any property on a public thoroughfare in a group in an

aggressive manner, or with the threat of a dangerous animal, is punished by six months' imprisonment and by a fine of

€3,750.

SECTION III

ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS AND

LIABILITY OF LEGAL PERSONS

Articles 312-13 to

312-15

ARTICLE 312-13

(Act no. 2004-204 of 9 March 2004 article 44 XIII Official Journal of 10 March 2004)

Natural persons convicted of any of the offences provided for by the present chapter also incur the following

additional penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition, in the manner prescribed by article 131-27, to hold public office or to undertake the social or

professional activity in the course of which or on the occasion of the performance of which the offence was committed,

this prohibition being permanent or temporary in the cases set out under articles 312-3 to 312-7, and imposed for a

maximum period of five years in the cases set out under articles 312-1, 312-2 and 312-10;

3° prohibition to hold or carry a weapon requiring a licence for a maximum period of five years;

4° confiscation of the thing which was used or was intended for the commission of the offence, or of the thing which

is the product of it, with the exception of articles subject to restitution;

5° area banishment pursuant to the conditions under article 131-31;

6° the obligation to complete a citizenship course pursuant to the conditions set out under article 131-5-1.

ARTICLE 312-14

Any alien convicted of one of the offences referred to under articles 312-2 to 312-7 may be banished from French

territory either permanently or for a maximum period of ten years in accordance with the conditions laid down under

article 131-10.

ARTICLE 312-15

Legal persons may incur criminal liability for the offences set out under the present Chapter pursuant to the

conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties referred to under article 131-39.

The prohibition referred to in 2° of article 131-39 applies to the activity in the course of which or on the occasion of

the performance of which the offence was committed.

CHAPTER III

FRAUDULENT OBTAINING AND SIMILAR OFFENCES Articles 313-1 to 313-9

SECTION I

OF FRAUDULENT OBTAINING Articles 313-1 to 313-4

ARTICLE 313-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Fraudulent obtaining is the act of deceiving a natural or legal person by the use of a false name or a fictitious

capacity, by the abuse of a genuine capacity, or by means of unlawful manoeuvres, thereby to lead such a person, to his

prejudice or to the prejudice of a third party, to transfer funds, valuables or any property, to provide a service or to

consent to an act incurring or discharging an obligation.

Fraudulent obtaining is punished by five years' imprisonment and a fine of €375,000.

ARTICLE 313-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The penalty is increased to seven years' imprisonment and a fine of €750,000 where the fraudulent obtaining was

committed:

1° by a person holding public authority or discharging a public service mission, in the exercise or at the occasion of

the exercise of the functions or mission;

2° by a person unlawfully assuming the capacity of a person holding a public office or vested with a public service

mission;

3° by a person making a public appeal with a view to issuing securities or raising funds for humanitarian or social

assistance;

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4° to the prejudice of a person whose particular vulnerability, due to age, sickness, infirmity, a physical of

psychological disability or to pregnancy, is apparent or known to the perpetrator;

The penalties are increased to ten years' imprisonment and to a fine of €100,000 where the fraud is committed by

an organised gang.

ARTICLE 313-3

Attempt to commit the offences set out under this section of the present code is subject to the same penalties.

The provisions of article 311-12 are applicable to the misdemeanour of fraudulent obtaining.

ARTICLE 313-4

[Repealed by Act no. 2001-504 of 12 June 2001, Article 21,I]

SECTION II

OFFENCES SIMILAR TO FRAUDULENT OBTAINING Articles 313-5 to

313-6-1

ARTICLE 313-5

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Swindling is when a person, knowing himself to be wholly unable to meet payment or being determined not to pay:

1° orders food or drink in premises where food or drink are sold;

2° books and effectively occupies one or more bedrooms in an establishment letting rooms, where the occupation

does not exceed ten days;

3° orders fuel or lubricants with which he has the tanks of a vehicle partly or completely filled by a professional

distributor;

4° causes himself to be transported by a taxi or rental vehicle.

Swindling is punished by six months' imprisonment and a fine of €7,500.

ARTICLE 313-6

(Act no. 2000-642 of 10 July 2000 Article 16 Official Journal of 11 July 2000)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

In a public sale or tendering process, the rejection of a bid or tender, or the restriction of bids or tenders, by gifts,

promises, understandings or any other fraudulent means, is punished by six months' imprisonment and a fine of

€22,500. Accepting such gifts or promises is subject to the same penalties.

The same penalties apply to:

1° obstructing or hindering the freedom to make bids or tenders, during a public sale or tendering process, by

violence, assaults or threats;

2° carrying out or participating in re-auction after a public adjudication, without the participation of a competent legal

official, or of a recognised firm carrying out the voluntary sale of movables at public auction.

Attempt to commit the offences set out under the present article is subject to the same penalties.

ARTICLE 313-6-1

(Inserted by Act no. 2003-239 of 18 March 2003 Art. 57 1° Official Journal of 19 March 2003)

A person who makes land belonging to someone else available to a third party, with a view to his taking up

residence there in return for payment or any benefit in kind, without being able to prove the permission of the owner or

the person with the right to use it is punished by a year's imprisonment and by a fine of €15,000.

SECTION III

ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS AND

LIABILITY OF LEGAL PERSONS

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Articles 313-7 to 313-9

ARTICLE 313-7

(Act no. 2001-504 of 12 June 2001 Article 21 Official Journal of 13 June 2001)

(Act no. 2003-239 of 18 March 2003 Art. 57 2° Official Journal of 19 March 2003)

Natural persons convicted of any of the offences provided for under articles 313-1, 313-2, 313-6 and 313-6-1 also

incur the following additional penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition, pursuant to the conditions set out under article 131-27, to hold public office or to undertake the social

or professional activity in the course of which or on the occasion of the performance of which the offence was

committed, for a maximum period of five years;

3° closure, for a maximum period of five years, of the business premises or of one or more of the premises of the

enterprise used to carry out the criminal behaviour;

4° confiscation of the thing which was used or was intended for use in the commission of the offence or of the thing

which is the product of it, with the exception of articles subject to restitution;

5° area banishment pursuant to the conditions set out under article 131-31;

6° prohibition to draw cheques, except those allowing the withdrawal of funds by the drawer from the drawee or

certified cheques, for a maximum period of five years;

7° public display or dissemination of the decision in accordance with the conditions set out under article 131-35.

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ARTICLE 313-8

(Act no. 2003-239 of 18 March 2003 Art. 57 3° Official Journal of 19 March 2003)

Natural persons convicted of any of the misdemeanours referred to under articles 313-1, 313-2, 313-6 and 313-6-1

also incur disqualification from public tenders for a maximum period of five years.

ARTICLE 313-9

(Act no. 2001-504 of 12 June 2001 Article 21 Official Journal of 13 June 2001)

(Act no. 2003-239 of 18 March 2003 Art. 57 4° Official Journal of 19 March 2003)

Legal persons may incur criminal liability for the offences set out under articles 313-1 to 313-3 and 313-6-1, in

accordance with the conditions laid down under article 121-2.

The penalties incurred by legal persons are:

1° a fine in the manner prescribed under article 131-38;

2° the penalties referred to under article 131-39.

The prohibition referred to under 2° of article 131-39 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

CHAPTER IV

OF MISAPPROPRIATION Articles 314-1 to 314-13

SECTION I

FRAUDULENT BREACH OF TRUST Articles 314-1 to 314-4

ARTICLE 314-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Breach of trust is committed when a person, to the prejudice of other persons, misappropriates funds, valuables or

any property that were handed over to him and that he accepted subject to the condition of returning, redelivering or

using them in a specified way.

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Breach of trust is punished by three years' imprisonment and a fine of €375,000.

ARTICLE 314-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2004-204 of 9 March 2004 article 51 Official Journal of 10 March 2004)

The penalty is increased to seven years' imprisonment and to a fine of €750,000 where the breach of trust was

committed:

1° by a person making a public appeal with a view to obtaining the transfer of funds or securities, either in a

personal capacity, or as the manager or legally employed or de facto employee of an industrial or commercial

enterprise;

2° by any other person who habitually undertakes or assists, even in a minor role, in operations regarding the

property of a third party on whose account he recovers funds or securities;

3° to the prejudice of a charity making a public appeal in order to raise funds to be used for humanitarian or social

aid;

4° to the prejudice of a person whose particular vulnerability, due to age, sickness, infirmity, a physical of

psychological disability or to pregnancy, is apparent or known to the perpetrator.

ARTICLE 314-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The penalty is increased to ten years' imprisonment and to a fine of €1,500,000 where the breach of trust is

committed by a judicially appointed official or by a legal professional officer or by a public officer either in the course of

or on the occasion of the performance of his duties, or by reason of his official capacity.

ARTICLE 314-4

The provisions of article 311-12 are applicable to the offence of breach of trust.

SECTION II

MISAPPROPRIATION OF PROPERTY PLEDGED OR ATTACHED Articles 314-5 to 314-6

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ARTICLE 314-5

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The destruction or misappropriation of an article pledged, committed by a debtor, a borrower or a third party

furnishing security, is punished by three years' imprisonment and a fine of €375,000.

Attempt to commit the offence set out under the present article is subject to the same penalties.

ARTICLE 314-6

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The destruction or misappropriation, by a person whose property is attached, of an object attached while in his

possession to secure the rights of a creditor and entrusted to his keeping or to the keeping of a third party, is punished

by three years' imprisonment and a fine of €375,000.

Attempt to commit the offence referred to under the present article is subject to the same penalties.

SECTION III

FRAUDULENT ORGANISATION OF INSOLVENCY Articles 314-7 to 314-9

ARTICLE 314-7

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A debtor who, even before a judicial decision establishing his debt, procures or worsens a state of insolvency, by

increasing the liabilities or reducing the assets of his estate, or by reducing or concealing all or part of his income, or by

concealing part of his property, with a view to evading the execution of an award in relation to his property made by a

criminal court, or a civil court in proceedings related to tort, restitution or alimony, is punished by three years'

imprisonment and a fine of €45,000.

The legal or de facto manager of a legal person commits the same misdemeanour where he organises or worsens

the insolvency of such a person in the conditions referred to in the previous paragraph, with a view to avoiding the

financial obligations resulting from an award in a criminal, tortious or restitutionary matter.

ARTICLE 314-8

A court may decide that a person convicted as an accomplice to an offence under article 314-7 is jointly liable,

within the limit of any funds or the market value of any property he received gratuitously or for consideration, for the

financial obligations resulting from the award which the perpetrator sought to avoid.

Where a criminal court imposes a sentence in relation to property, it may decide that the penalty imposed shall not

be concurrent with one previously imposed.

The limitation period for criminal liability runs from the date of the award the enforcement of which the debtor sought

to avoid; however, it runs from the last act done to organise or to worsen the debtor's insolvency, where this last act is

subsequent to the award.

ARTICLE 314-9

For the purpose of article 314-7, decisions of the courts and judicially affirmed agreements which carry a duty to pay

benefits, maintenance or contributions to matrimonial expenses are assimilated to an order to pay alimony.

SECTION IV

ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS AND

LIABILITY OF LEGAL PERSONS

Articles 314-10 to

314-13

ARTICLE 314-10

Natural persons convicted of any of the offences provided for under articles 314-1, 314-2 and 314-3 also incur the

following additional penalties:

1° forfeiture of civic, civil and family rights in the manner prescribed under article 131-26;

2° prohibition for a maximum period of five years to hold public office or to undertake the social or professional

activity in the course of which or on the occasion of the performance of which the offence was committed, pursuant to

the conditions set out under article 131-27;

3° closure for a maximum period of five years of the business premises, or of one or more of the premises, of the

enterprise used to commit the offence;

4° disqualification from public tenders for a maximum period of five years;

5° the prohibition to draw cheques, except those allowing the withdrawal of funds by the drawer from the drawee or

certified cheques, for a maximum period of five years;

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6° confiscation of the thing which was used or intended for the commission of the offence, or of the thing which is

the product it, with the exception of articles subject to restitution;

7° The public display or dissemination of the decision, in accordance with the conditions set out under article

131-35.

ARTICLE 314-11

Natural persons convicted of one of the misdemeanours referred to under articles 314-5, 314-6 and 314-7 also incur

the following additional penalties:

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1° confiscation of the thing which was used or intended for the commission of the offence, or of the thing which is

the product of it, with the exception of articles subject to restitution;

2° the public display or dissemination of the decision, in accordance with the conditions set out under article 131-35.

ARTICLE 314-12

Legal persons may incur criminal liability for the offences referred to under articles 3 14-1 and 314-2 pursuant to the

conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, in the manner prescribed under article 131-38;

2° the penalties referred to under article 131-39.

The prohibition referred to by 2° of article 131-39 applies to the activity in the course of which or on the occasion of

the performance of which the offence was committed.

ARTICLE 314-13

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Legal persons may incur criminal liability for the offences referred to under articles 314-5, 3l4-6 and 314-7, pursuant

to the conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, in the manner prescribed under article 131-38;

2° the penalties referred to under paragraphs 8 and 9 of article 131-39.

TITLE II

OTHER OFFENCES AGAINST PROPERTY Articles 321-1 to 324-9

CHAPTER I

RECEIVING AND RELATED OFFENCES Articles 321-1 to 321-12

SECTION I

OF RECEIVING Articles 321-1 to 321-5

ARTICLE 321-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Receiving is the concealment, retention or transfer a thing, or acting as an intermediary in its transfer, knowing that

that thing was obtained by a felony or misdemeanour.

Receiving is also the act of knowingly benefiting in any manner from the product of a felony or misdemeanour.

Receiving is punished by five years' imprisonment and a fine of €375,000.

ARTICLE 321-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Receiving is punished by ten years' imprisonment and a fine of €750,000:

1° where it is committed habitually or by using the facilities conferred by the exercise of trade or profession;

2° where it was committed by an organised gang.

ARTICLE 321-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The fines provided by articles 321-1 and 321-2 may be raised beyond €375,000 to reach half the value of the goods

handled.

ARTICLE 321-4

Where an offence whence the goods in question came is punished by a custodial sentence higher than that incurred

under articles 321-1 or 321-2, the receiver is punished by the penalties pertaining to the offence that he knew about, and

if this offence was accompanied by aggravating circumstances, by such penalties as relate exclusively to the

circumstances of which he was aware.

ARTICLE 321-5

Receiving is assimilated, in respect of recidivism, to the offence from which the goods in question came.

SECTION II

OFFENCES ASSIMILATED RELATED TO RECEIVING Articles 321-6 to 321-8

ARTICLE 321-6

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The inability of a person to justify the income corresponding to his lifestyle, when he has authority over a minor who

lives with him and who habitually commits felonies or misdemeanours against the property of others, is punished by five

years' imprisonment and a fine of €375,000. The fine may be raised beyond €375,000 to reach half the value of the

goods handled.

ARTICLE 321-7

(Act no. 92-1336 of 16 December 1992 Article 362 and 373 Official Journal of 23 December 1992 in force 1 March 1994)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A penalty of six months' imprisonment and a fine of €30,000 applies to any omission, even through negligence, by a

person whose professional activity involves the sale of second-hand moveable objects or those bought from persons

other than manufacturers or retailers to complete a daily register as required by a decree of the Conseil d'Etat containing

a description of the articles bought or held with a view to sale or exchange, and enabling such articles to be identified, as

well as the person who sold them or brought them for exchange.

The same penalties apply to the omission, even by negligence, by any person other than a legal professional officer

or public officer organising on public premises or premises open to the public an event to sell or exchange articles

described in the previous paragraph, to keep a daily register enabling the sellers to be identified, as required by a

decree of the Conseil d'Etat.

Where the professional activity defined by the first paragraph is carried on by a legal person, or where the organiser

of the event referred to under the second paragraph is a legal person, the duty to maintain the register falls upon the

managers of this legal person.

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ARTICLE 321-8

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A penalty of six months' imprisonment and a fine of €30,000 is incurred by the recording of inaccurate information in

the register required by the previous article, committed by a person referred to in that article.

The same penalties apply to the refusal committed by that person whose duty it is to present that register to a

competent authority.

SECTION III

ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS AND

LIABILITY OF LEGAL PERSONS

Articles 321-9 to 321-12

ARTICLE 321-9

Natural persons convicted of any of the offences provided for under the present chapter also incur the following

additional penalties:

1° forfeiture of civic, civil and family rights pursuant to the conditions set out under article 131-26;

2° prohibition, pursuant to the conditions set out under article 131-27, to hold public office or to discharge the social

or professional activity in the course of which or on the occasion of the performance of which the offence was

committed; such prohibition being permanent or temporary in the cases set out under articles 321-2 and 321-4, and

limited to five years in the cases set out under articles 321-1, 321-6, 321-7 and 321-8;

3° mandatory closure of the business premises or of one or more of the premises of the undertaking which were

used to commit the offences; such prohibition being permanent or temporary in the cases set out under articles 321-2

and 321-4, and limited to longer than five years in the cases set out under articles 321-1, 321-6, 321-7 and 321-8;

4° temporary or permanent disqualification from public tenders in the cases set out under articles 321-2 and 321-4,

and a disqualification not exceeding five years in the cases set out under articles 321-1, 321-6, 321-7 and 321-8;

5° prohibition to draw cheques except those allowing the withdrawal of funds by the drawer from the drawee or

certified cheques, for a maximum period of five years;

6° confiscation of the thing which was used or intended for the commission of the offence or of the thing which is the

product of it, with the exception of articles subject to restitution;

7° confiscation of one or more weapons which the convicted person owns or has freely available to him;

8° area banishment, pursuant to the conditions set out under article 131-31, in the cases referred to under articles

321-1 to 321-4;

9° public display of the decision or dissemination of the decision made, pursuant to the conditions set out under

article 131-35.

ARTICLE 321-10

In the cases referred to under articles 321-1 to 321-4, the other additional penalties incurred for the felonies and

misdemeanours from which the stolen goods originated may also be imposed.

ARTICLE 321-11

Any alien convicted of any of the offences referred to under article 321-2 may be banished from French territory

either permanently or for a maximum period of ten years in accordance with the conditions laid down under article

131-30.

ARTICLE 321-12

Legal persons may incur criminal liability for the offences set out under articles 321-1 to 321-4, 321-7 and 321-8

pursuant to the conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under Article 131-38;

2° in the cases set out by articles 321-1 to 321-4, the penalties referred to under article 131-39;

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3° in the cases set out by articles 321-7 and 321-8, the penalties referred to under 2°, 4°, 5°, 6°, 7°, 8° and 9° of

article 131-39.

The prohibition referred to under 1° of article 131-37 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

CHAPTER II

DESTRUCTION, DAMAGE AND DEFACEMENT Articles 322-1 to 322-17

SECTION I

OF DESTRUCTIONS, DEFACEMENT AND DAMAGE WHICH MAY NOT

ENDANGER ANOTHER PERSON

Articles 322-1 to

322-4-1

ARTICLE 322-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000, in force 1 January

2002)

(Act no. 2002-1138 of 9 September 2002 Article 24 Official Journal of 10 September 2002)

Destroying, defacing or damaging property belonging to other persons is punished by two years' imprisonment and

a fine of €30,000, except where only minor damage has ensued.

Drawing, without prior authorisation, inscriptions, signs or images on facades, vehicles, public highways or street

furniture is punished by a fine of €3,750 and by community service where only minor damage has ensued.

ARTICLE 322-2

(Act no. 95-877 of 3 August 1995 Article 26 Official Journal of 4 August 1995)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September in force 1 January 2002)

(Act no. 2002-5 of 4 January 2002 Article 27 Official Journal of 5 January 2002

(Act no. 2002-1138 of 9 September 2002 Article 24 (Official Journal of 10 September 2002)

(Act no. 2003-88 of 3 February 2003.Article 8 Official Journal of 4 February 2003)

The offence under the first paragraph of article 322-1 is punished by three years' imprisonment and a fine of

€45,000, and the offence under the second paragraph of article 322-1 by a fine of €7,500 and community service where

the property destroyed, defaced or damaged is:

1° intended for public use or decoration and belongs to a public body or a person discharging a public service

mission;

2° a register, an original of a record or an original document of a public authority;

3° a classified building or movable object, an archaeological discovery made in the course of excavations or

fortuitously, land containing archaeological remains, or an article preserved or deposited in a museum, library or archive

belonging to the French nation or a public body discharging a public service mission or recognised as of public interest;

4° an article displayed as part of a historical, cultural or scientific exhibition, organised by a public body, a body

charged with public service or recognised as of public interest.

In the case set out under 3° of the present article, an offence is also committed where the perpetrator is the owner

of the property destroyed, defaced or damaged.

Where the offence defined in the first paragraph of article 322-1 is committed because of the owner or user of the

property's membership or non-membership, true or supposed, of a given ethnic group, nation, race or religion, the

penalties incurred are also increased to 3 years' imprisonment and by a fine of €45, 000.

ARTICLE 322-3

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(Act no. 96-647 of 22 July 1996 Article 13 Official Journal of 23 July 1996)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 came in force 1 January

2002)

(Act no. 2002-1138 of 9 September 2002 Article 24 Official Journal of 10 September 2002)

(Act no. 2003-88 of 3 February 2003 Article 9 Official Journal of 4 February 2003)

The offence set out in the first paragraph of article 322-1 is punished by five years' imprisonment and a fine of

€75,000, and that set out in the second paragraph of the same article by a fine of €15,000 and community service:

1° where it is committed by two or more acting as perpetrators or accomplices;

2° where it is facilitated by the state of a person whose particular vulnerability, due to age, sickness, infirmity, a

physical of psychological disability or to pregnancy, is apparent or known to the perpetrator;

3° where it is committed to the prejudice of a judge or prosecutor, an advocate, a legal professional officer, a

member of the Gendarmerie, a civil servant of the national police, customs, penitentiary administration or of any other

person holding public authority or discharging a public service mission, with a view to influencing his behaviour in the

discharge of his duties;

4° where it is committed to the prejudice of a witness, a victim or a civil party, either to prevent him from denouncing

the act, from filing a complaint or making a statement before a court, or by reason of such a denunciation, complaint or

statement;

5° where it is committed within premises used as a place of abode or on premises used or designed for the

safekeeping of funds, securities, goods or equipment, by entering such premises by deceit, by breaking in or by climbing

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in;

Where the offence set out in the first paragraph of article 322-1 is committed against a place of worship, a school, or

a place for educational or leisure activities, or a vehicle used to transport children, the penalties incurred are also

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increased to five years' imprisonment and a fine of €75,000.

ARTICLE 322-4

Attempt to commit the offences referred to under the present section is subject to the same penalties.

ARTICLE 322-4-1

(Inserted by Act no. 2003-239 of 18 March 2003 Article 53 1° Official Journal of 19 March 2003)

The act of collectively settling with the aim of establishing residence, even temporarily, on land belonging either to a

commune which has conformed to the obligations incumbent on it in accordance with the departmental plan provided for

by article 2 of Act no. 2000-614 of 5 July 2000 relating to the reception and settlement of travellers or which is not

included in this plan, or to any other owner apart from a commune, without being able to prove the owner's permission or

the permission of whoever holds the right to use the land, is punished by six months' imprisonment and a fine of €3,750.

Where the settlement is comprised of motor vehicles, they may be seized, with the exception of vehicles designed

for residential purposes, with a view to their confiscation by the criminal courts.

SECTION II

DESTRUCTION, DEFACEMENT AND DAMAGE DANGEROUS TO

PERSONS

Articles 322-5 to 322-11

ARTICLE 322-5

(Act no. 2002-647 of 10 July 2000 Article 7 Official Journal of 5 July 2000)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2004-204 of 9 March 2004 article 31 Official Journal of 10 March 2004)

Involuntarily destroying, defacing or damaging property belonging to other persons by an explosion or fire caused

by a failure to observe a duty of safety or care imposed by statute or regulation is punished by one year's imprisonment

and a fine of €15,000.

In the event of a deliberate violation of a duty of safety or care imposed by statute or regulations, the penalties

incurred are increased to two years' imprisonment and to a fine of €30,000.

Where this is a forest fire, or fire in woodland, heathland, bush, plantations, or land used for reforestation and

belonging to another person, the penalties are increased to two years' imprisonment and a fine of €30,000 in cases

provided for by the first paragraph, and to three years' imprisonment and a fine of €45,000 in cases provided for by the

second paragraph.

If the fire takes place in such natural conditions as to expose people to bodily harm or to cause irreversible

environmental damage, the penalties are increased to three years' imprisonment and to a fine of €45,000 in cases

provided for by the first paragraph, and to five years' imprisonment and a fine of €100,000 in cases provided for by the

second paragraph.

If the fire has caused another person a total incapacity for work not exceeding eight days, the penalties are

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increased to five years' imprisonment and a fine of €75,000 in cases provided for by the first paragraph, and to seven

years' imprisonment and a fine of €100,000 in cases provided for by the second paragraph.

If the fire has caused the death of one or more persons, the penalties are increased to seven years' imprisonment

and a fine of €150,000 in cases provided for by the second paragraph.

ARTICLE 322-6

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2004-204 of 9 March 2004 article 32 I Official Journal of 10 March 2004)

Destroying, defacing or damaging property belonging to other persons by an explosive substance, a fire or any

other means liable to create a danger to other persons is punished by ten years' imprisonment and a fine of €150,000.

Where this is a forest fire, or fire in woodland, heathland, bush, plantations, or land used for reforestation and

belonging to another person, and takes place in conditions so as to expose people to bodily harm or to cause

irreversible environmental damage, the penalties are increased to fifteen years' criminal imprisonment and to a fine of

€150,000.

ARTICLE 322-6-1

(Inserted by Act no. 2004-204 of 9 March 2004 article 7 Official Journal of 10 March 2004

Publishing, by whatever means, except those intended for professionals, procedures for the manufacture of

destructive devices made from gunpowder or explosive substances, nuclear, biological or chemical materials, or from

any other product for domestic, industrial or agricultural use, is punished by a year's imprisonment and by a fine of

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€15,000.

The penalties are increased to three years' imprisonment and a fine of €45,000 where a telecommunications

network for the distribution of messages to a non-specified audience has been used to publish these procedures.

ARTICLE 322-7

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The offence set out under article 322-6 is punished by fifteen years' criminal imprisonment and a fine of €150,000

where it causes another person a total incapacity for work not exceeding eight days.

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Where the offence involves a forest fire, or fire in woodland, heathland, bush, plantations, or land used for

reforestation and belonging to another person, the penalties are increased to twenty years' imprisonment and a fine of

€200,000.

ARTICLE 322-8

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2003-88 of 3 February 2003 Article 10 Official Journal of 4 February 2003)

(Act no. 2004-204 of 9 March 2004 article 32 III Official Journal of 10 March 2004)

The offence defined by article 322-6 is punished by twenty years' criminal imprisonment and a fine of €150,000:

1° where it is committed by an organised gang;

2° where it causes another person total incapacity for work in excess of eight days;

3° where it is committed because of the owner or user of the property's membership or non-membership, true or

supposed, of a given ethnic group, nation, race or religion.

Where the offence involves a forest fire, or fire in woodland, heathland, bush, plantations, or land used for

reforestation and belonging to another person, the penalties are increased to thirty years' imprisonment and a fine of

€200,000.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the present article.

ARTICLE 322-9

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2004-204 of 9 March 2004 article 32 IV Official Journal of 10 March 2004)

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The offence defined by article 322-6 is punished by thirty years' criminal imprisonment and a fine of €150,000 where

it causes another person mutilation or permanent disability.

Where the offence involves a forest fire, or fire in woodland, heathland, bush, plantations, or land used for

reforestation and belonging to another person, the penalties are increased to life imprisonment and a fine of €200,000.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out under

the present article.

ARTICLE 322-10

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The offence defined by article 322-6 is punished by criminal imprisonment for life and a fine of €150,000 where it

causes the death of another person.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 322-11

Attempt to commit the misdemeanour referred to under article 322-6 is subject to the same penalties.

SECTION III

THREATS OF DESTRUCTION, DEFACEMENT OR DAMAGE AND

FALSE ALARMS

Articles 322-12 to

322-14

ARTICLE 322-12

(Act no. 92-1336 of 16 December 1992 Article 363 and 373 Official Journal of 23 December 1992 in force 1 March 1994)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The threat to carry out any destruction, defacement or damage dangerous to persons is punished by six months'

imprisonment and a fine of €7,500 where it is repeated, or where it is put in material form by writing, pictures or other

objects.

ARTICLE 322-13

(Act no. 92-1336 of 16 December 1992 Article 363 and 373 Official Journal of 23 December 1992 in force 1 September

1993)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A threat, however made, to commit any destruction, defacement or damage is punished by one year's imprisonment

and a fine of €15,000 when it is made with the order to fulfil a condition.

The penalty is increased to three years' imprisonment and a fine of €45,000 where the threat is to cause any

destruction, defacement or damage dangerous to others.

ARTICLE 322-14

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The communication or revelation of any false information with a view to inducing a belief that any destruction,

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defacement or damage dangerous to other persons will be or has been committed is punished by two years'

imprisonment and a fine of €30,000.

The same penalties apply to the communication or disclosure of false information creating the belief that an incident

has occurred and which is liable to cause the needless intervention of the rescue services.

SECTION IV

ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS AND

LIABILITY OF LEGAL PERSONS

Articles 322-15 to

322-17

ARTICLE 322-15

(Act no. 2004-204 of 9 March 2004 article 44 XIV Official Journal of 10 March 2004, in force 1 October 2004)

Natural persons convicted of any of the offences provided for under the present Chapter also incur the following

additional penalties:

1° forfeiture of civic, civil and family rights pursuant to the conditions set out under article 131-26;

2° the prohibition, pursuant to the conditions set out under article 131-27, to hold public office or to undertake the

social or professional activity in the course of which or on the occasion of the performance of which the offence was

committed, this prohibition being permanent or temporary in the cases set out under articles 322-6 to 322-10 and limited

to a maximum of five years in the cases set out under articles 322-1, 322-2, 322-3, 322-5, 322-12, 322-13 and 322-14;

3° prohibition to hold or carry a weapon requiring a licence for a maximum period of five years;

4° area banishment, pursuant to the conditions set out under article 131-31, in the cases referred to under articles

322-7 to 322-10;

5°the obligation to complete a citizenship course, subject to the conditions set out under article 131-5-1.

ARTICLE 322-15-1

(Inserted by Act no. 2003-239 of 18 March 2003 Art. 53 2° Official Journal of 19 March 2003)

Natural persons who are convicted of the offence provided for by article 322-4-1 incur the following additional

penalties:

1° the suspension of their driving licence for a maximum period of three years;

2° the confiscation of the motor vehicles used to commit the offence, other than those which are inhabited.

ARTICLE 322-16

Any alien convicted of any of the offences referred to under articles 322-7 to 322-10 may be banished from French

territory either permanently or for a maximum period of ten years, pursuant to the conditions set out under article

131-10.

ARTICLE 322-17

Legal persons may incur criminal liability for the offences set out under the present Chapter pursuant to the

conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalty referred to under point 2 of article 131-39 for a maximum period of five years in the cases referred to

under articles 322-1, 322-3, 322-5, 322-12, 322-13 and 322-14, and without restriction of time in the cases set out under

articles 322-6 to 322-10.

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The prohibition referred to under 2° of article 131-39 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

CHAPTER III

UNAUTHORISED ACCESS TO AUTOMATED DATA PROCESSING

SYSTEMS

Articles 323-1 to 323-7

ARTICLE 323-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2004-575 of 21 June 2004 article 45 I Official Journal of 22 June 2004)

Fraudulently accessing or remaining within all or part of an automated data processing system is punished by two

year's imprisonment and a fine of €30,000.

Where this behaviour causes the suppression or modification of data contained in that system, or any alteration of

the functioning of that system, the sentence is three years' imprisonment and a fine of €45,000.

ARTICLE 323-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2004-575 of 21 June 2004 article 45 II Official Journal of 22 June 2004)

Obstructing or interfering with the functioning of an automated data processing system is punished by five years'

imprisonment and a fine of €75,000.

ARTICLE 323-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

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(Act no. 2004-575 of 21 June 2004 article 45 III Official Journal of 22 June 2004)

The fraudulent introduction of data into an automated data processing system or the fraudulent deletion or

modification of the data that it contains is punished by five years' imprisonment and a fine of €75,000.

ARTICLE 323-3-1

(Inserted by Act no. 2004-575 of 21 June 2004 article 46 II Official Journal of 22 June)

A person who, without lawful authority, imports, possesses, offers, transfers or makes available any equipment,

instrument, computer programme or information created or specially adapted to commit one or more of the offences

prohibited by articles 323-1 to 323-3, is punished by the penalties prescribed for the offence itself, or the one that carries

the heaviest penalty.

ARTICLE 323-4

(Act no. 2004-575 of 21 June 2004 article 46 II Official Journal of 22 June 2004)

Participating in a group or conspiracy established with a view to the preparation of one or more offences set out

under articles 323-1 to 323-3-1, and demonstrated by one or more material actions, is punished by the penalties

prescribed for offence in preparation, or the one that carries the heaviest penalty.

ARTICLE 323-5

Natural persons convicted of any of the offences provided for under the present Chapter also incur the following

additional penalties:

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1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition to hold public office or to undertake the social or professional activity in the course of which or on the

occasion of the performance of which the offence was committed, for a maximum period of five years;

3° confiscation of the thing which was used or intended for the commission of the offence, or of the thing which is

the product of it, with the exception of articles subject to restitution;

4° mandatory closure, for a maximum period of five years of the business premises or of one or more of the

premises of the undertaking used to commit the offences;

5° disqualification from public tenders for a maximum period of five years;

6° prohibition to draw cheques, except those allowing the withdrawal of funds by the drawer from the drawee or

certified cheques, for a maximum period of five years;

7° public display or dissemination of the decision, in accordance with the conditions set out under article 131-35.

ARTICLE 323-6

Legal persons may incur criminal liability for the offences referred to under the present chapter pursuant to the

conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties referred to under article 131-39.

The prohibition referred to under 2° of article 131-39 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

ARTICLE 323-7

(Act no. 2004-575 of 21 June 2004 article 46 II Official Journal of 22 June 2004)

Attempt to commit the misdemeanours referred to under articles 323-1 to 323-3-1 is subject to the same penalties.

CHAPTER IV

MONEY LAUNDERING Articles 324-1 to 324-9

SECTION I

SIMPLE AND AGGRAVATED LAUNDERING Articles 324-1 to 324-6

ARTICLE 324-1

(Act no. 96-392 of 13th May 1996 Article 1 Official Journal of 14th May 1996)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Money laundering is facilitating by any means the false justification of the origin of the property or income of the

perpetrator of a felony or misdemeanour which has brought him a direct or indirect benefit.

Money laundering also comprises assistance in investing, concealing or converting the direct or indirect products of

a felony or misdemeanour.

Money laundering is punished by five years' imprisonment and a fine of €375,000.

ARTICLE 324-2

(Act no. 96-392 of 13th May 1996 Article 1 Official Journal of 14th May 1996)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Money laundering is punished by ten years' imprisonment and a fine of €750,000:

1° where it was committed habitually or by using the facilities offered by the exercise of a professional activity;

2° where it was committed by an organised gang.

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ARTICLE 324-3

(Inserted by Act no. 96-392 of 13th May 1996 Article 1 Official Journal of 14th May 1996)

The fines referred to under articles 324-1 and 324-2 may be raised to amount to half the value of the property or

funds in respect of which the money laundering operations were carried out.

ARTICLE 324-4

(Inserted by Act no. 96-392 of 13th May 1996 Article 1 Official Journal of 14th May 1996)

Where the felony or misdemeanour which produced the property or funds for which the money-laundering

operations were carried out is punishable by a custodial sentence higher than that incurred under articles 324-1 or

324-2, the offence of money-laundering is punished by the penalties applicable to the offence the money-launderer

knew about, and if this offence was accompanied by aggravating circumstances, by such penalties as relate exclusively

to the circumstances of which he was aware.

ARTICLE 324-5

(Inserted by Act no. 96-392 of 13th May 1996 Article 1 Official Journal of 14th May 1996)

As regards recidivism, money laundering is assimilated to the offence for which the money laundering operations

were performed.

ARTICLE 324-6

(Inserted by Act no. 96-392 of 13th May 1996 Article 1 Official Journal of 14th May 1996)

Attempt to commit the misdemeanours referred to under the present Section is subject to the same penalties.

SECTION II

ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS AND

LIABILITY OF LEGAL PERSONS

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Articles 324-7 to 324-9

ARTICLE 324-7

(Act no. 96-392 of 13th May 1996 Article 1 Official Journal of 14th May 1996)

(Act no. 2001-420 of 15th May 2001 Article 47 Official Journal of 16th May 2001)

Natural persons convicted of any of the offences provided for under articles 324-1 and 324-2 also incur the following

additional penalties:

1° prohibition, pursuant to the conditions set out under article 131-27, to hold public office or to undertake the social

or professional activity in the course of which or on the occasion of the performance of which the offence was

committed, this prohibition being permanent or temporary in the case referred to under article 324-2, and limited to five

years in the case referred to under article 324-1.

2° prohibition to hold or carry a weapon requiring a licence, for a maximum period of five years;

3° prohibition to draw cheques, except those allowing the withdrawal of funds by the drawer from the drawee or

certified cheques, and the prohibition to use payment cards, for a maximum period of five years;

4° suspension of the driving licence for a maximum period of five years; this suspension may be limited to driving

outside professional activity;

5° cancellation of the driving licence accompanied by a prohibition, for a maximum period of five years, to apply for

the issue of a new licence;

6° confiscation of one or more vehicles belonging to the person convicted;

7° confiscation of one or more weapons belonging to the convicted person or which he has freely available to him;

8° confiscation of the thing which was used or intended for the commission of the offence, or of the thing which is

the product of it, with the exception of articles subject to restitution;

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9° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

10° area banishment, pursuant to the conditions set out under article 131-31;

11° prohibition to leave the territory of the Republic for a maximum period of five years;

12° confiscation of some or all of the property of the convicted person, of whatever type, movable or immovable,

whether jointly or separately owned.

ARTICLE 324-8

(Inserted by Act no. 96-392 of 13th May 1996 Article 1 Official Journal of 14th May 1996)

Any alien convicted of any of the offences referred to under articles 324-1 to 324-2 may be banished from French

territory either permanently or for a maximum period of ten years, in accordance with the conditions laid down under

article 131-10.

ARTICLE 324-9

(Inserted by Act no. 96-392 of 13th May 1996 Article 1 Official Journal of 14th May 1996)

Legal persons may incur criminal liability for the offences set out under articles 324-1 and 324-2, pursuant to the

conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties referred to under article 131-39.

The prohibition referred to under 2° of article 131-39 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

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BOOK IV

FELONIES AND MISDEMEANOURS AGAINST THE NATION, THE STATE AND THE

PUBLIC PEACE

Articles 411-2 to 450-5

TITLE I

VIOLATIONS OF THE FUNDAMENTAL INTERESTS OF THE NATION Articles 411-2 to 410-1

ARTICLE 410-1

The "fundamental interests of the Nation" in the sense of the present title covers its independence, the integrity of its

territory, its security, the republican form of its institutions, its means of defence and diplomacy, the safeguarding of its

population in France and abroad, the balance of its natural surroundings and environment, and the essential elements of

its scientific and economic potential and cultural heritage.

CHAPTER I

TREASON AND ESPIONAGE Articles 411-2 to 411-1

ARTICLE 411-1

The acts defined by articles 411-2 to 411-11 constitute treason where they are committed by a French national or a

soldier in the service of France, and constitute espionage where they are committed by any other person.

SECTION I

HANDING OVER OF ALL OR ANY PART OF THE NATIONAL

TERRITORY, THE ARMED FORCES OR EQUIPMENT TO A FOREIGN POWER

Articles 411-2 to 411-3

ARTICLE 411-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Handing over troops belonging to the French armed forces, or all or part of the national territory, to a foreign power,

to a foreign organisation or to an organisation under foreign control, or to their agents, is punished by life criminal

detention and a fine of €750,000.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence set out under the

present article.

ARTICLE 411-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Handing over equipment, constructions, installations, or apparatus assigned to the national defence to a foreign

power, to a foreign undertaking or organisation or to an enterprise or organisation under foreign control, or to their

agents, is punished by thirty years' criminal detention and a fine of €450,000.

SECTION II

INTELLIGENCE WITH A FOREIGN POWER Articles 411-4 to 411-5

ARTICLE 411-4

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Intelligence with a foreign power, a foreign undertaking or organisation or an enterprise or organisation under

foreign control, or their agents, with a view to fomenting hostilities or acts of aggression against France, is punished by

thirty years' criminal detention and a fine of €450,000.

The same penalties apply to furnishing a foreign power, a foreign undertaking or organisation, or an undertaking or

organisation under foreign control, or their agents, with the means to start hostilities or commit acts of aggression

against France.

ARTICLE 411-5

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Intelligence with a foreign power, with a foreign undertaking or organisation or an undertaking or organisation under

foreign control, or with their agents where it is liable to prejudice the fundamental interests of the nation, is punished by

ten years' imprisonment and a fine of €150,000.

SECTION III

OF SUPPLYING INFORMATION TO A FOREIGN POWER Articles 411-6 to 411-8

ARTICLE 411-6

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Supplying or making accessible to a foreign power, to a foreign undertaking or organisation or to an undertaking or

organisation under foreign control, or to their agents, information, processes, articles, documents, computerised data or

files, the use, disclosure or collection of which are liable to prejudice the fundamental interests of the nation is punished

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by fifteen years' criminal detention and a fine of €225,000.

ARTICLE 411-7

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Collecting or gathering information, processes, articles, documents, computerised data or files, with a view to

supplying them to a foreign power, to a foreign undertaking or organisation or to an undertaking or organisation under

foreign control, or to their agents, the use, disclosure or gathering of which is liable to prejudice the fundamental

interests of the nation is punished by ten years' imprisonment and a fine of €150,000.

ARTICLE 411-8

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The exercise on account of a foreign power, a foreign undertaking or organisation or an undertaking or organisation

under foreign control, or their agents, of an activity aimed at obtaining or supplying devices, information, processes,

articles, documents, computerised data or files, the use, disclosure or gathering of which is liable prejudice the

fundamental interests of the nation is punished by ten years' imprisonment and a fine of €150,000.

SECTION IV

SABOTAGE Article 411-9

ARTICLE 411-9

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Destroying, defacing or misappropriating any document, equipment, construction, equipment, installation,

apparatus, technical device or computerised system, or rendering them defective, where this is liable to prejudice the

fundamental interests of the nation is punished by fifteen years' criminal detention and a 225,000 €fine.

Where it is committed with a view to serving the interests of a foreign power, a foreign undertaking or organisation

or an undertaking or organisation under foreign control, or that of their agents, this offence is punished by twenty years'

criminal detention and a fine of €300,000.

SECTION V

SUPPLYING FALSE INFORMATION Article 411-10

ARTICLE 411-10

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Supplying the French civilian or military authorities with false information liable to mislead them and damage the

fundamental interests of the nation, in order to serve the interests of a foreign undertaking or organisation or an

undertaking or organisation under foreign control is punished by seven years' imprisonment and a fine of €100,000.

SECTION VI

INCITEMENT TO COMMIT THE FELONIES SET OUT IN THE PRESENT

CHAPTER

Article 411-11

ARTICLE 411-11

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Direct incitement by promises, offers, pressure, threats or violence, to commit any of the felonies set out in the

present Chapter, where the incitement was ineffective because of circumstances independent of the offender's will, is

punished by seven years' imprisonment and a fine of €100,000.

CHAPTER II

OTHER OFFENCES AGAINST THE INSTITUTIONS OF THE REPUBLIC OR

THE INTEGRITY OF THE NATIONAL TERRITORY

Articles 412-1 to 412-8

SECTION I

ATTACK AND PLOTTING Articles 412-1 to 412-2

ARTICLE 412-1

(Act no. 92-1336 of 16th December 1992 Article 364 and 373 Official Journal of 23rd December 1992 in force 1 March

1994)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

An attack consists of the commission of one or more acts of violence liable to endanger the institutions of the

Republic or violate the integrity of the national territory.

Attack is punished by thirty years' criminal detention and a fine of €450,000.

The penalty is increased to life criminal detention and a fine of €750,000 where the attack was committed by a

person holding public authority.

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The first two paragraphs of article 132-23 governing the safety period are applicable to the offences set out in the

present article.

ARTICLE 412-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Plotting consists of a resolution agreed upon by two or more to commit an attack where the resolution was put into

effect by one or more material actions.

Plotting is punished by ten years' imprisonment and a fine of €150,000.

The penalty is increased to twenty years' criminal detention and a fine of €300,000 where the offence was

committed by a person holding public authority.

SECTION II

INSURRECTIONAL MOVEMENTS Articles 412-3 to 412-6

ARTICLE 412-3

An insurrectional movement consists of any collective violence liable to endanger the institutions of the Republic or

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violate the integrity of the national territory.

ARTICLE 412-4

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Participating in an insurrectional movement:

1° by building barricades, fortifications or by any construction whose objective is to prevent or obstruct the action of

the forces or order;

2° by occupying with open force or by deceit any building or installation, or by destroying it;

3° by assuring the transport, feeding or communications of the insurgents;

4° by inciting the insurgents to gather, by whatever means;

5° by personally carrying a weapon;

6° by usurping a lawful authority;

is punished by fifteen years' criminal detention and a fine of €225,000.

ARTICLE 412-5

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Participating in an insurrectional movement:

1° by securing weapons, munitions, explosive or dangerous substances or any kind of equipment, by violence or

threats, by plunder, or by the disarming the forces of order;

2° by providing the insurgents with weapons, munitions, or explosive or dangerous substances;

is punished by twenty years' criminal detention and a fine of €300,000.

ARTICLE 412-6

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Leading or organising an insurrectional movement is punished by life criminal detention and a fine of €750,000.

SECTION III

USURPATION OF COMMAND, RAISING ARMED FORCES AND

INCITEMENT TO TAKE UP ARMS UNLAWFULLY

Articles 412-7 to 412-8

ARTICLE 412-7

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The following are punishable by thirty years' criminal detention and fine of €450,000.

1° the unlawful or unauthorised assumption of any military command or of the keeping of such command against

orders by the lawful authorities;

2° the raising of armed forces without the order or authorisation of the lawful authorities.

ARTICLE 412-8

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Incitement to arm against the authority of the State or against a part of the population is punished by five years'

imprisonment and a fine of €75,000.

Where the incitement was effective, the penalty is increased to thirty years' criminal detention and a fine of

€450,000.

Where the incitement was committed through the press or by broadcasting, the specific legal provisions governing

those matters are applicable to define the persons who are responsible.

CHAPTER III

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OTHER OFFENCES AGAINST NATIONAL DEFENCE Articles 413-1 to 413-12

SECTION I

OFFENCES AGAINST THE SECURITY OF ARMED FORCES AND

PROTECTED ZONES OF INTEREST TO NATIONAL DEFENCE

Articles 413-1 to 413-8

ARTICLE 413-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The incitement of soldiers belonging to the French armed forces to enter the service of a foreign power, designed to

harm national defence, is punished by ten years' imprisonment and a fine of €150,000.

ARTICLE 413-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Obstructing the normal operations of military equipment, designed to harm national defence, is punished by five

years' imprisonment and a fine of €75,000.

The same penalties apply to obstructing the movement of military personnel or equipment, designed to harm

national defence.

ARTICLE 413-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The incitement to disobedience, by any means, of soldiers or persons subject to any form of national service to

disobedience, designed to harm national defence, is punished by five years' imprisonment and a fine of €75,000.

Where the incitement is committed through the press or by broadcasting, the specific legal provisions governing

those matters are applicable to define the persons who are responsible.

ARTICLE 413-4

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Participating in an operation to demoralise the army, designed to harm national defence, is punished by five years'

imprisonment and a fine of €75,000.

Where the incitement is committed through the press or by broadcasting, the specific legal provisions governing

those matters are applicable to define the persons who are responsible.

ARTICLE 413-5

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Fraudulently gaining access, without the authorisation of the competent authority, to any land or building, or any

type of vehicle or craft assigned to the military authority or placed under its control is punished by one year's

imprisonment and a fine of €15,000.

ARTICLE 413-6

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

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Any obstruction to the normal operations of public or private services, establishments or undertakings of importance

to the national defence, designed to harm national defence, is punished by three years' imprisonment and a fine of

€45,000.

ARTICLE 413-7

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A penalty of six months' imprisonment and a fine of €7,500 applies to the unauthorised entry into enclosed premises

or land, within public or private services, corporations or undertakings of importance to national defence, where free

movement is prohibited and which is marked out to ensure the protection of installations, of equipment or the

confidentiality of any research, study or production.

A Decree of the Conseil d'Etat shall determine, first, the conditions for setting the boundaries of premises and land

referred to in the previous paragraph, and, secondly, the conditions for the granting of authorisations to enter.

ARTICLE 413-8

Attempt to commit the misdemeanours referred to under articles 413-2 and 413-5 to 413-7 is subject to the same

penalties.

SECTION II

VIOLATIONS OF NATIONAL DEFENCE SECRETS Articles 413-9 to 413-12

ARTICLE 413-9

(Act no. 94-89 of 1st February 1994 Article 9 Official Journal of 2nd February 1994 in force 1st March 1994)

The quality of national defence secrets, for the purposes of this section, attaches to information, processes, articles,

documents, and computerised data or files which are of importance to national defence and which are subject to

protective orders intended to restrict their circulation.

The object of such orders may be information, processes, articles, documents, computerised data or files the

disclosure of which is liable to prejudice national defence or could lead to the disclosure of a national defence secret.

A Decree of the Conseil d'Etat shall provide for the levels of classification of information, processes, articles,

documents, and computerised data or files which are in the nature of national defence secrets and the authorities in

charge for the specification of the means to ensure their protection.

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ARTICLE 413-10

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A penalty of seven years' imprisonment and a fine of €100,000 applies to the destruction, misappropriation, theft or

duplication, as well as to the communication to the public or to an unauthorised person, by any person holding such a

confidential information because of his position or occupation or any permanent or temporary mission, of any

information, process, article, document, or computerised data or file which is a national defence secret.

The same penalties apply to the holder who permits the destruction, misappropriation, removal, duplication or

revelation of any information, process, article, document, computerised data or file referred to under the previous

paragraph.

Where the holder has behaved negligently or recklessly, the offence is punished by three years' imprisonment and a

fine of €45,000.

ARTICLE 413-11

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A penalty of five years' imprisonment and a fine of €75,000 applies to any person not covered by article 413-10 who:

1° acquires possession of any information, process, article, document, computerised data or file which is in the

nature of a national defence secret;

2° destroys, removes or duplicates in any manner any such information, process, article, document, computerised

data or file;

3° brings to the knowledge of the public or of an unauthorised person any such information, process, article,

document, computerised data or file;

ARTICLE 413-12

Attempt to commit the misdemeanours referred to under the first paragraph of Article 413-10 and Article 413-11 is

subject to the same penalties.

CHAPTER IV

SPECIAL PROVISIONS Articles 414-1 to 414-9

ARTICLE 414-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

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2002)

Where martial law or a state of emergency has been declared, or in the event of a general mobilisation or alert

decided by the Government, the offences referred to under articles 413-1 to 413-3 are punished by thirty years' criminal

detention and a fine of €450,000 and the offence referred to under article 413-6 is punished by seven years' detention

and a fine of €100,000.

In the cases referred to under the previous paragraph, incitement, where done with the intent to harm national

defence, to commit the offences set out under article 413-2 is punished by ten years' imprisonment and a fine of

€150,000 and incitement to commit the offence referred to under article 413-6 is punished by five years' imprisonment

and a fine of €75,000.

ARTICLE 414-2

Any person who has attempted to commit any of the offences set out under articles 411-2, 411-3, 411-6, 411-9 and

412-1 is exempted from punishment if, having informed the judicial or administrative authorities, he makes it possible to

prevent the offence taking place and, where relevant, to identify the other offenders.

ARTICLE 414-3

Any person who has participated in the conspiracy defined by article 412-2 is exempted from punishment if, before

prosecution, he has disclosed the existence of the conspiracy to the competent authorities and enabled the identification

of the other participants.

ARTICLE 414-4

The custodial sentence incurred by the perpetrator or the accomplice to the offences set out under articles 411-4,

411-5, 411-7, 411-8 and 412-6 is reduced by half if, having informed the judicial or administrative authorities, he has

made it possible for the criminal behaviour to be stopped or for human fatalities or permanent injuries resulting from the

offence to be avoided, and, where relevant, the other offenders to be identified.

Where the penalty incurred is criminal imprisonment for life, this penalty is reduced to twenty years' criminal

detention.

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ARTICLE 414-5

Natural persons convicted of one of the felonies or misdemeanours referred to under the present title also incur the

following additional penalties:

1° forfeiture of civic, civil and family rights pursuant to the conditions set out under article 131-26;

2° prohibition to hold public office or to undertake the social or professional activity in the course of which or on the

occasion of the performance of which the offence was committed, pursuant to the conditions set out under article

131-27;

3° confiscation of the thing which was used or intended for the commission of the offence, or of the thing which is

the product of it, with the exception of articles subject to restitution;

4° area banishment, pursuant to the conditions set out under article 131-31.

ARTICLE 414-6

(Act no. 98-348 of 11 May 1998 Article 37 Official Journal 12 May 1998; Act no. 2003-119 of 26 November 2003, Article

78)

Any alien convicted of any of the offences referred to under chapters I, II and IV of the present title, and articles

413-1 to 413-4, 413-10 and 413-11 may be banished from French territory either permanently or for a maximum period

of ten years in accordance with the conditions laid down under article 131-10.

ARTICLE 414-7

Legal persons may incur criminal liability for the offences referred to under the present title pursuant to the

conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties referred to under article 131-39.

The prohibition referred to in 2° of article 131-39 applies to the activity in the course of which or on the occasion of

the performance of which the offence was committed.

ARTICLE 414-8

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The provisions of articles 411-1 to 411-11 and 413-1 to 413-12 are applicable to the actions referred to under those

provisions when committed to the prejudice of the signatory powers of the North Atlantic Treaty.

ARTICLE 414-9

The provisions of articles 411-6 to 411-8 and 413-10 to 413-12 are applicable to information covered by the security

agreement governing certain exchanges of confidential information between the Government of the French Republic

and the Government of the Kingdom of Sweden, signed in Stockholm on 22 October 1973.

TITLE II

OF TERRORISM Articles 421-1 to 422-7

CHAPTER I

OF ACTS OF TERRORISM Articles 421-1 to 421-5

ARTICLE 421-1

(Act no. 96-647 of 22 July 1996 Article 1 Official Journal 23 July 1996; Act no. 98-348 of 11 May 1998 Article 37 Official

Journal 12 May 1998)

(Act no. 2001-1062 of 15 November 2001 Article 33 Official Journal 16 November 2001)

The following offences constitute acts of terrorism where they are committed intentionally in connection with an

individual or collective undertaking the purpose of which is seriously to disturb public order through intimidation or terror:

1° wilful attacks on life, wilful attacks on the physical integrity of persons, abduction and unlawful detention and also

as the hijacking of planes, vessels or any other means of transport, defined by Book II of the present Code;

2° theft, extortion, destruction, defacement and damage, and also computer offences, as defined under Book III of

the present Code;

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3° offences committed by combat organisations and disbanded movements as defined under articles 431-13 to

431-17, and the offences set out under articles 434-6, 441-2 to 441-5;

4° the production or keeping of machines, dangerous or explosive devices, set out under article 3 of the Act of 19

June 1871 which repealed the Decree of 4 September 1870 on the production of military grade weapons;

- the production, sale, import or export of explosive substances as defined by article 6 of the Act no. 70-575 of 3

July 1970 amending the regulations governing explosive powders and substances;

- the purchase, keeping, transport or unlawful carrying of explosive substances or of devices made with such

explosive substances, as defined by article 38 of the Ordinance of 18 April 1939 defining the regulations governing

military equipment, weapons and ammunition;

- the detention, carrying, and transport of weapons and ammunition falling under the first and fourth categories

defined by articles 4, 28, 31 and 32 of the aforementioned Ordinance;

- the offences defined by articles 1 and 4 of the Act no. 72-467 of 9 June 1972 forbidding the designing, production,

keeping, stocking, purchase or sale of biological or toxin-based weapons;

- the offences referred to under articles 58 to 63 of the Act no. 98-467 of 17 June 1998 on the application of the

Convention of the 13 January 1993 on the prohibition of developing, producing, stocking and use of chemical weapons

and on their destruction;

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5° receiving the product of one of the offences set out in paragraphs 1 to 4 above;

6° the money laundering offences set out in Chapter IV of title II of Book III of the present Code;

7° the insider trading offences set out in article L.465-1 of the Financial and Monetary Code.

ARTICLE 421-2

(Act no. 1996-647 of 22 July 1996 Article 2 Official Journal 23 July 1996)

(Act no. 2004-204 of 9 March 2004 article 8 Official Journal of 10 March 2004)

The introduction into the atmosphere, on the ground, in the soil, in foodstuff or its ingredients, or in waters, including

territorial waters, of any substance liable to imperil human or animal health or the natural environment is an act of

terrorism where it is committed intentionally in connection with an individual or collective undertaking whose aim is to

seriously disturb public order through intimidation or terror.

ARTICLE 421-2-1

(Inserted by Act no. 96-647 of 22 July 1996 Article 2 Official Journal 23 July 1996)

The participation in any group formed or association established with a view to the preparation, marked by one or

more material actions, of any of the acts of terrorism provided for under the previous articles shall in addition be an act

of terrorism.

ARTICLE 421-2-2

(Inserted by Act no. 2001-1062 of 15 November 2001 art. 33 Official Journal 16 November 2001)

It also constitutes an act of terrorism to finance a terrorist organisation by providing, collecting or managing funds,

securities or property of any kind, or by giving advice for this purpose, intending that such funds, security or property be

used, or knowing that they are intended to be used, in whole or in part, for the commission of any of the acts of terrorism

listed in the present chapter, irrespective of whether such an act takes place.

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ARTICLE 421-2-3

(Inserted by Act no. 2003-239 of 18 March 2003 Art. 45 Official Journal of 19 March 2003)

Being unable to account for resources corresponding to one's lifestyle when habitually in close contact with a

person or persons who engage in one or more of the activities provided for by articles 421-1 to 421-2-2 is punishable by

7 years' imprisonment and by a fine of €100,000.

ARTICLE 421-3

The maximum custodial sentence incurred for the offences provided for under article 421-1 is increased as follows

where those offences constitute acts of terrorism:

1° it is raised to criminal imprisonment for life where the offence is punished by thirty years' criminal imprisonment;

2° it is raised to thirty years' criminal imprisonment where the offence is punished by twenty years' criminal

imprisonment;

3° it is raised to twenty years' criminal imprisonment where the offence is punished by fifteen years' criminal

imprisonment;

4° it is raised to fifteen years' criminal imprisonment where the offence is punished by ten years' imprisonment;

5° it is raised to ten years' imprisonment where the offence is punished by seven years' imprisonment;

6° it is raised to seven years' imprisonment where the offence is punished by five years' imprisonment;

7° it is raised to twice the sentence incurred where the offence is punished by a maximum of three years'

imprisonment.

The first two paragraphs of article 132-23 governing the safety period are applicable to the felonies referred to under

the present article, and also to the misdemeanours punished by ten years' imprisonment

ARTICLE 421-4

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2002-1138 of 9 September 2002 Article 46 Official Journal of 10 September 2002)

The act of terrorism set out under article 421-2 is punished by twenty years' criminal imprisonment and a fine of

€350,000.

Where this offence causes the death of one or more persons, it is punished by criminal imprisonment for life and a

fine of €750,000.

The first two paragraphs of article 132-23 governing the safety period are applicable to the felony referred to under

the present article.

ARTICLE 421-5

(Act no. 96-647 of 22 July 1996 Article 5 Official Journal 23 July)

(Act no. 2001-1062 of 15 November 2001 Article 33 Official Journal of 16 November 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2004-204 of 9 March 2004 article 6 XI Official Journal of 10 March 2004)

The acts of terrorism defined by articles 421-2-1 and 421-2-2 are punished by ten years' imprisonment and a fine of

€225,000.

Leading or organising [the type of] group or association provided for under article 421-2-1 is punished by twenty

years' imprisonment and a fine of €500,000.

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Attempt to commit the misdemeanour set out under article 421-2-2 is subject to the same penalties.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences referred to

under the present article.

CHAPTER II

SPECIAL PROVISIONS Articles 422-1 to 422-7

ARTICLE 422-1

Any person who has attempted to commit an act of terrorism is exempted from punishment where, having informed

the judicial or administrative authorities, he makes it possible to prevent the offence taking place and, where relevant, to

identify the other offenders.

ARTICLE 422-2

The custodial sentence incurred by the perpetrator or the accomplice to an act of terrorism is reduced by half where,

having informed the judicial or administrative authorities, he has made it possible for the criminal behaviour to be

stopped or for loss of life or permanent injuries resulting from the offence to be avoided, and, where relevant, the other

offenders to be identified.

Where the penalty incurred is criminal imprisonment for life, this penalty is reduced to twenty years' imprisonment.

ARTICLE 422-3

Natural persons convicted of any of the offences provided for under the present title also incur the following

additional penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26. However, the

maximum period of the forfeiture is raised to fifteen years in the event of a felony, and to ten years in the event of a

misdemeanour;

2° prohibition, pursuant to the conditions set out under article 131-27, to hold public office or to undertake the social

or professional activity in the course of which or on the occasion of the performance of which the offence was

committed. However, the maximum temporary prohibition is increased to ten years;

3° area banishment, pursuant to the conditions set out under article 131-31. However, the maximum period of the

banishment is raised to fifteen years in the event of a felony, and to ten years in the event of a misdemeanour.

ARTICLE 422-4

(Act no. 93-1027 of 24 August 93 Article 33 Official Journal 29 August 1993)

(Act no. 98-468 of 17 July 1998 Article 37 Official Journal 12 May 1998)

(Act no. 2003-1119 of 26 November 2003 Article 78 III Official Journal of 27 November 2003)

Any alien convicted of any of the offences referred to under the present title may be banished from French territory

either permanently or for a maximum of ten years in accordance with the conditions laid down under article 131-30.

ARTICLE 422-5

Legal persons may incur criminal liability for acts of terrorisms set out under under the present title, pursuant to the

conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties referred to under article 131-39.

The prohibition referred to under 2° of article 131-39 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

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ARTICLE 422-6

(Inserted by Act no. 2001-1062 of 15 November 2001 Article 33 Official Journal of 16 November 2001)

Natural and legal persons convicted of act of terrorism shall in addition incur the complementary penalty of

confiscation of all or part of their property, whatever its nature, movable or immovable, severally or jointly owned.

ARTICLE 422-7

(Inserted by Act no. 2001-1062 of 15 November 2001 Article 33 Official Journal of 16 November 2001)

The product of a financial or property sanction imposed on a person convicted of an act of terrorism is allocated to

the contingency fund for victims of acts of terrorism and other offences.

TITLE III

VIOLATION OF THE AUTHORITY OF THE STATE Articles 431-1 to 436-5

CHAPTER I

BREACHES OF THE PUBLIC PEACE Articles 431-1 to 431-21

SECTION I

IMPEDING THE FREEDOM OF EXPRESSION, LABOUR,

ASSOCIATION, ASSEMBLY OR DEMONSTRATION

Articles 431-1 to 431-2

ARTICLE 431-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

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Concerted obstruction, with the use of threats, to the exercise of the freedom of expression, labour, association,

assembly or demonstration is punished by one year's imprisonment and a fine of €15,000.

Concerted obstruction to the exercise of one of the freedoms referred to under the previous paragraph with the use

of blows, acts of violence, or acts of destruction or damage within the meaning of the present Code is punished by three

years' imprisonment and a fine of €45,000.

ARTICLE 431-2

Natural persons convicted of any of the offences provided for under article 431-1 also incur the following additional

penalties:

1° forfeiture of civic, civil and family rights pursuant to the conditions set out under article 131-26;

2° prohibition, pursuant to the conditions set out under article 131-27, to hold public office or to undertake the social

or professional activity in the course of which or on the occasion of the performance of which the offence was

committed;

3° prohibition to hold or carry a weapon requiring a licence for a maximum period of five years.

SECTION II

PARTICIPATION IN AN UNLAWFUL ASSEMBLY Articles 431-3 to 431-8

ARTICLE 431-3

An unlawful assembly is any gathering of persons on the public highway or in any place open to the public where it

is liable to breach the public peace.

An unlawful assembly may be dispersed by the forces of public order after two orders to disperse have been issued

without success by the prefect, the sub-prefect, the mayor or one of his deputies, any judicial police officer in charge of

public safety, or any other judicial police officer, bearing the insignia of their office.

These orders are made in a manner appropriate to inform the persons taking part in the unlawful assembly of the

obligation to disperse without delay; the manner shall be specified by a Decree of the Conseil d'Etat, which shall also

determine the insignia to be borne by the persons referred to under the previous paragraph.

However, the representatives of the forces of order called to disperse an unlawful assembly may directly resort to

the use of force where acts of violence are carried out against themselves or if they are not in a position otherwise to

protect the place they are occupying.

ARTICLE 431-4

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Wilful participation in an unlawful assembly, after the orders have been issued, committed by a person not carrying

a weapon is punished by one year's imprisonment and a fine of €15,000.

ARTICLE 431-5

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Wilful participation in an unlawful assembly whilst carrying a weapon is punished by three years' imprisonment and

a fine of €45,000.

Where the person carrying a weapon has wilfully continued to participate in an unlawful assembly after the orders

have been issued, the penalty is increased to five years' imprisonment and to a fine of €75,000.

ARTICLE 431-6

Directly inciting an armed, unlawful assembly, either through shouting or public speeches, or through writings,

whether displayed or distributed, or through writings, words or pictures broadcast in any way, is punished by one year's

imprisonment and a fine of €15,000.

Where the incitement is acted upon, the penalty is increased to seven years' imprisonment and to a fine of

€100,000.

ARTICLE 431-7

Natural persons convicted of any of the offences provided for under articles 431-5 and 431-6 also incur the following

additional penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition to hold or carry a weapon requiring a licence, for a maximum period of five years;

3° confiscation of one or more weapons belonging to the convicted person or which are freely available to him;

4° area banishment pursuant to the conditions under article 131-31.

ARTICLE 431-8

Any alien convicted of any of the offences referred to under articles 431-5 and 431-6 may be banished from French

territory either permanently or for a maximum period of ten years, pursuant to the conditions set out under article

131-30.

SECTION III

UNLAWFUL DEMONSTRATIONS AND UNLAWFUL PARTICIPATION TO

A DEMONSTRATION OR TO A PUBLIC MEETING

Articles 431-9 to 431-12

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ARTICLE 431-9

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

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The following offences are punished by six months' imprisonment and a fine of €7,500:

1° the organisation of a demonstration on the public highway without filing a prior notice pursuant to the conditions

laid down by law;

2° the organisation of a demonstration on the public highway which has been prohibited pursuant to the conditions

laid down by the law;

3° drawing up an inaccurate or incomplete notice liable to mislead about the objective or conditions of the proposed

demonstration.

ARTICLE 431-10

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Participating in a demonstration or public meeting while carrying a weapon is punished by three years' imprisonment

and a fine of €45,000.

ARTICLE 431-11

Natural persons convicted of any of the offences provided for under article 431-10 also incur the following additional

penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition to hold or carry a weapon requiring a licence for a maximum period of five years;

3° confiscation of one or more weapons which belonged to the convicted person or which are freely available to

him;

4° area banishment pursuant to the conditions under article 131-31.

ARTICLE 431-12

Any alien convicted of any of the offences referred to under article 431-10 may be banished from French territory

either permanently or for a maximum period of ten years in accordance with the conditions laid down under article

131-30.

SECTION IV

COMBAT GROUPS AND DISBANDED MOVEMENTS Articles 431-13 to

431-21

ARTICLE 431-13

Unless otherwise provided by the law, a combat group is any group of persons holding or having access to

weapons, which has an organised hierarchy and is liable to breach the public peace.

ARTICLE 431-14

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Participating in a combat group is punished by three years' imprisonment and a fine of €45,000.

ARTICLE 431-15

Participating in the maintenance or re-establishment, whether secret or open, of an association or group disbanded

by the Act of 10 January 1936 on Combat Groups and Private Militias is punished by three years' imprisonment and a

fine of €45,000.

Where the association or the re-established or maintained group is a combat group within the meaning of article

431-14, the penalty is increased to five years' imprisonment and a fine of €75,000.

ARTICLE 431-16

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Organising a combat group is punished by five years' imprisonment and a fine of €75,000.

ARTICLE 431-17

The maintenance or re-establishment, whether secret or open, of a combat group disbanded under the

aforementioned Act of 10 January 1936 is punished by seven years' imprisonment and a fine of €100,000.

ARTICLE 431-18

Natural persons convicted of any of the offences provided for under the present section also incur the following

additional penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° the complete or partial dissemination of the decision, or of an official statement informing the public of the

reasons and the contents of the decision, pursuant to the conditions set out under article 221-10;

3° area banishment, pursuant to the conditions set out under article 131-31.

ARTICLE 431-19

(Act no. 93-1027 of 24 August 1993 Article 33 Official Journal 29 August 1993)

Any alien convicted of any of the offences referred to under the present section may be banished from French

territory either permanently or for a maximum of ten years, pursuant to the conditions set out under article 131-30.

ARTICLE 431-20

Legal persons may incur criminal liability for the offences set out under the present Section, pursuant to the

conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties referred to under article 131-39.

The prohibition referred to under 2° of article 131-39 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

ARTICLE 431-21

Natural or legal persons convicted of the offences set out under the present Section also incur the following

sentences:

1° confiscation of movable or immovable property belonging to or used by the combat group or association or by the

maintained or re-established group;

2° confiscation of uniforms, insignia, emblems, weapons and any equipment used or designed to be used by the

combat group or association or by the maintained or re-established group.

CHAPTER II

OFFENCES AGAINST THE GOVERNMENT COMMITTED BY CIVIL

SERVANTS

Articles 432-1 to 432-17

SECTION I

ABUSE OF AUTHORITY DIRECTED AGAINST THE PUBLIC

ADMINISTRATION

Articles 432-1 to 432-3

ARTICLE 432-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The taking of measures designed to obstruct the implementation of a law, committed by a person holding public

authority in the discharge of his office, is punished by five years' imprisonment and a fine of €75,000.

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ARTICLE 432-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The offence set out under article 432-1 is punished by ten years' imprisonment and a fine of €150,000 where it was

successful.

ARTICLE 432-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The continued exercise of an office by a person holding public authority or discharging a public service mission, or

by a person holding a public electoral mandate, after having been officially informed of the decision or the circumstance

putting an end to his functions, is punished by two years' imprisonment and a fine of €30,000.

SECTION II

OF ABUSE OF AUTHORITY COMMITTED AGAINST INDIVIDUALS Articles 432-4 to 432-9

Paragraph 1

Of offences against personal liberty Articles 432-4 to 432-6

ARTICLE 432-4

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The arbitrary ordering or carrying out a violation of personal freedom committed by a person holding public authority

or discharging a public service mission, acting in the exercise or on the occasion of his office or mission, is punished by

seven years' imprisonment and a fine of €100,000.

Where the violation consists of a detention or a restraint exceeding seven days, the penalty is increased to thirty

years' criminal imprisonment and to a fine of €450,000.

ARTICLE 432-5

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The unlawful deprivation of liberty, the wilful failure either to put an end to such deprivation when he has the power,

or, alternatively, the wilful failure to bring about the intervention of a competent authority, by a person holding public

authority or discharging a public service mission who has knowledge of such deprivation in the course of or on the

occasion of his office or mission, is punished by three years' imprisonment and a fine of €45,000

A person referred to under the previous paragraph who, having learnt of an allegedly unlawful deprivation of liberty

in the course of or on the occasion of the discharge of his office or mission, wilfully abstains either from making such

necessary verifications as he is empowered to make, or, alternatively, from transmitting the complaint to a competent

authority, is punished by one year's imprisonment and a fine of €15,000 where the deprivation of liberty, later found to be

unlawful, continued.

ARTICLE 432-6

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

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The reception or retention of a person by an agent of the prison administration, without a warrant, a judgment or a

detention order drafted in conformity with the law, or the undue extension of a detention, is punished by two years'

imprisonment and a fine of €30,000.

Paragraph 2

Discrimination Article 432-7

ARTICLE 432-7

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Discrimination defined by article 225-1, committed in respect of a natural or legal person, by a person holding public

authority or discharging a public service mission, in the discharge or on the occasion of that office or mission, is

punished by five years' imprisonment and a fine of €75,000 where it consists:

1° of refusing the benefit of a right conferred by the law;

2° of hindering the normal exercise of any given economic activity.

Paragraph 3

Of offences against the inviolability of the domicile Article 432-8

ARTICLE 432-8

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Entering or attempting to enter another person's residence against his will, except in cases where the law provides,

by a person holding public authority or discharging a public service mission, acting in the exercise or on the occasion of

his office or mission, is punished by two years' imprisonment and a fine of €30,000.

Paragraph 4

Violating the confidentiality of correspondence Article 432-9

ARTICLE 432-9

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002;

Act n. 2004-669 of 9 July 2004 Article 121, Official Journal 10 July 2004)

Except where provided for by law, the ordering, committing or facilitation of the misappropriation, suppression or

opening of correspondence, and the disclosure of the contents of such correspondence, by a person holding public

authority or discharging a public service mission acting in the course of or on the occasion of his office or duty, is

punished by three years' imprisonment and a fine of €45,000.

The same penalties apply to the persons referred to under the previous paragraph, or to employees of electronic

communication networks open to the public, or to employees of a supplier of telecommunication services, who, acting in

the performing of their office, order, commit or facilitate, except where provided for by law, any interception or

misappropriation of correspondence sent, transmitted or received by a means of telecommunication, or the use or the

disclosure of its contents.

SECTION III

BREACHES OF THE DUTY OF HONESTY Articles 432-10 to

432-16

Paragraph 1

Improper demands or exemptions in relation to taxes Article 432-10

ARTICLE 432-10

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

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Any acceptance, request or order to pay as public duties, contributions, taxes or impositions of any sum known not

to be due, or known to exceed what is due, committed by a person holding public authority or discharging a public

service mission is punished by five years' imprisonment and a fine of €75,000.

The same penalties apply to the granting by such persons, in any form and for any reason, of any exoneration or

exemption from dues, contributions taxes or impositions in breach of statutory or regulatory rules.

Attempt to commit the misdemeanours referred to under the present article is subject to the same penalties.

Paragraph 2

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Passive corruption and trafficking influence by person holding public

office

Article 432-11

ARTICLE 432-11

(Act no. 2000-593 of 30 June 2000 Article 1 Official Journal 1 July 2000)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The direct or indirect request or acceptance without right and at any time of offers, promises, donations, gifts or

advantages, when done by a person holding public authority or discharging a public service mission, or by a person

holding a public electoral mandate, is punished by ten years' imprisonment and a fine of €150,000 fine where it is

committed:

1° to carry out or abstain from carrying out an act relating to his office, duty, or mandate, or facilitated by his office,

duty or mandate;

2° or to abuse his real or alleged influence with a view to obtaining from any public body or administration any

distinction, employment, contract or any other favourable decision.

Paragraph 3

Unlawfull taking of interest Articles 432-12 to

432-13

ARTICLE 432-12

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The taking, receiving or keeping of any interest in a business or business operation, either directly or indirectly, by a

person holding public authority or discharging a public service mission, or by a person holding a public electoral

mandate who at the time in question has the duty of ensuring, in whole or in part, its supervision, management,

liquidation or payment, is punished by five years' imprisonment and a fine of €75,000.

However, in municipalities of no more than 3,500 inhabitants, mayors, their deputies or municipal counsellors acting

by delegation from or in substitution for the mayor, may contract with the municipality of which they are the elected

representatives for the transfer of movable or immovable property or for the supply of services within the limit of an

annual sum of €16,000.

Furthermore, in those municipalities, mayors, their deputies or the municipal counsellors acting by delegation from

or in substitution for the mayor may acquire a plot in a municipal housing development to build their personal dwelling, or

enter into a residential tenancy agreement with the municipality for their personal accommodation. These contracts must

be authorised by a reasoned decision from the municipal council after a valuation of the property concerned has been

made by the public domain service.

In the same municipalities, the same elected officials may acquire property belonging to the municipality for the

establishment or development of their business. The price may not be lower than the valuation made by the public

domain service. The contract must be authorised by a reasoned decision from the municipal council, whatever the value

of the property concerned.

For the application of the three previous paragraphs, the municipality is represented in accordance with the

conditions laid down under article L. 122-12 of the Municipalities Code and the mayor, deputy or the municipal

counsellor concerned must abstain from participating in the deliberation of the municipal council regarding the

completion or approval of the contract. Furthermore, notwithstanding the second paragraph of article L. 121-15 of the

Municipalities Code, the municipal council may not decide to meet in camera.

ARTICLE 432-13

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

An offence punished by two years' imprisonment and a fine of €30,000 is committed by any person who, in his

capacity as a civil servant or agent or official of a public administration, and specifically by reason of his office, is

entrusted with the supervision or control of any private undertaking, or with the conclusion of contracts of any type with a

private enterprise, or who by services, advice or investment takes or receives any part in such an enterprise, before the

expiry of a period of five years following the end of his office.

The same penalties apply to any participation through work, advice or investment in a private undertaking which

owns 30 per cent or more of the capital in one of the undertakings referred to in the previous paragraph, or which has

concluded a contract carrying legal or de facto exclusivity with such an enterprise.

For the purpose of the present article, any public enterprise exercising its activity in a competitive sector and in

accordance with the rules of private law counts as a private enterprise.

These provisions are applicable to the employees of public corporations, nationalised enterprises, mixed economy

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companies in which the State or public bodies holding directly or indirectly more than 50 per cent of the capital, and the

employees of the public operators enumerated by the Act no. 90-568 of 2 July 1990 governing the organisation of the

public postal and telecommunications service.

The offence is not committed by investment in the capital of companies listed on the stock market or where the

capital is received by devolution under a succession.

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Paragraph 4

Offences against equal access in respect of public tenders and public

service delegations

Article 432-14

ARTICLE 432-14

(Act no. 95-127 of 8 February 1995 Article 10 Official Journal 9 February 1995) (Ordinance no. 2000-916 of 19

September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

An offence punished by two years' imprisonment and a fine of €30,000 is committed by any person holding public

authority or discharging a public service mission or holding a public electoral mandate or acting as a representative,

administrator or agent of the State, territorial bodies, public corporations, mixed economy companies of national interest

discharging a public service mission and local mixed economy companies, or any person acting on behalf of any of the

above-mentioned bodies, who obtains or attempts to obtain for others an unjustified advantage by an act breaching the

statutory or regulatory provisions designed to ensure freedom of access and equality for candidates in respect of

tenders for public service and delegated public services.

Paragraph 5

Purloining and misappropriating property Articles 432-15 to

432-16

ARTICLE 432-15

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The destruction, misappropriation or purloining of a document or security, of private or public funds, papers,

documents or securities representing such funds, or of any other object entrusted to him, committed by person holding

public authority or discharging a public service mission, a public accountant, a public depositary or any of his

subordinates, is punished by ten years' imprisonment and a fine of €150,000.

Attempt to commit the misdemeanour referred to under the previous paragraph is subject to the same penalties.

ARTICLE 432-16

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Where the destruction, misappropriation or purloining of assets referred to under article 432-15 was committed by a

third party as a result of the negligence of a person holding public authority or discharging a public service mission, a

public accountant or a public depositary, the latter is punished by one year's imprisonment and a fine of €15,000.

SECTION IV

OF ADDITIONAL PENALTIES Article 432-17

ARTICLE 432-17

(Act no. 92-1336 of 16 December 1992 Article 365 and 373 Official Journal of 23 December 1992 in force 1 March 1994)

The following additional penalties may be pronounced in the cases referred to under the present chapter:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition, pursuant to the conditions set out under article 131-27, to exercise a public office or to undertake the

social or professional activity in the course of which or on the occasion of which the offence was committed;

3° confiscation, pursuant to the conditions set out under article 131-21, of the sums or objects unlawfully received

by the offender, with the exception of objects subject to restitution;

4° in the case referred to in article 432-7, public display or dissemination of the decision, pursuant to the conditions

set out by article 131-35.

CHAPTER III

OFFENCES AGAINST THE PUBLIC ADMINISTRATION COMMITTED BY

PRIVATE PERSONS

Articles 433-1 to 433-25

SECTION I

ACTIVE CORRUPTION AND TRAFFICKING IN INFLUENCE

COMMITTED BY PRIVATE PERSONS

Articles 433-1 to 433-2

ARTICLE 433-1

(Act no. 2000-595 of 30 June 2000 Article 1 Official Journal 1 July 2000)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Unlawfully proffering, at any time, directly or indirectly, any offer, promise, donation, gift or reward, in order to induce

a person holding public authority, discharging a public service mission, or vested with a public electoral mandate:

1° to carry out or abstain from carrying out an act pertaining to his office, duty, or mandate, or facilitated by his

office, duty or mandate;

2° or to abuse his real or alleged influence with a view to obtaining distinctions, employments, contracts or any other

favourable decision from a public authority or the government;

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is punished by ten years' imprisonment and a fine of €150,000.

The same penalties apply to yielding before any person holding public authority, discharging a public service

mission, or vested with a public electoral mandate who, unlawfully, at any time, directly or indirectly solicits offers,

promises, donations, gifts or rewards to carry out or to abstain from carrying out any act specified under 1°, or to abuse

his influence under the conditions specified under 2°.

ARTICLE 433-2

The direct or indirect request or acceptance of offers, promises, donations, gifts or rewards made to abuse one's

real or supposed influence with a view to obtaining distinctions, employments, contracts or any other favourable decision

from a public authority or administration, is punished by five years' imprisonment and a fine of €75,000

The same penalties apply to yielding to the demands set out under the previous paragraph, or unlawfully proffering,

directly or indirectly any offer, promise, donation, gift or reward so that a person may unlawfully use his real or supposed

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influence with a view to obtaining distinctions, employments, contracts or any other favourable decision from a public

authority or administration.

SECTION II

THREATS AND INTIMIDATION AGAINST PERSONS HOLDING PUBLIC

OFFICE

Article 433-3

ARTICLE 433-3

(Act no. 96-647 of 22 July 1996 Article 16 Official Journal 23 July 1996)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The threat to commit a felony or a misdemeanour against persons or property made against a person holding

elected public office, a judge or prosecutor, a juror, an advocate, a legal professional officer or a public officer, a

member of the Gendarmerie or national police, customs, the penitentiary administration, or any other person holding

public authority or discharging a public service mission, a fireman (whether professional or volunteer), the accredited

warden of a building or group of buildings or an agent carrying out on behalf of the tenant the duty of caring for or

watching an inhabited building in pursuance of article L. 127.1 of the Code of Construction and Habitation, in the

exercise or on account of his functions or mission, when the capacity of the victim is known or apparent to the

perpetrator, is punished by two years' imprisonment and a fine of €30,000. These provisions also apply to threats made

against the spouse, the ascendants and direct descendants of these persons or against any other person who habitually

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resides in their home, because of the duties carried out by these persons .

The threat to commit a felony or a misdemeanour against persons or property made against a person employed by

a public transport network or any other person carrying out a public service mission or against a health professional in

the exercise of his duties, where the status of the victim is apparent or known to the perpetrator, is subject to the same

penalties.

The penalty is increased to five years' imprisonment and to a fine of €75,000 where this is a death threat or a threat

to attack property in a manner involving danger to other persons.

The use of threats, violence or the commission of any other intimidating act to obtain, from a person referred to

under the first or second paragraph or who holds a public electoral mandate, either the performance or the abstention

from performance of any act pertaining to his office, duty or mandate, or facilitated by his office, duty or mandate, or the

misuse of his real or supposed authority with a view to obtaining distinctions, employments, contracts or any other

favourable decision from a public authority or administration, is punished by ten years' imprisonment and a fine of

€150,000.

SECTION III

PURLOINING AND MISAPPROPRIATING PROPERTY FROM A PUBLIC

DEPOSIT

Article 433-4

ARTICLE 433-4

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

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The destruction, misappropriation or purloining of a document or security, of private or public funds, of papers,

documents or securities representing such funds, or of any other object handed over to a person holding public authority

or discharging a public service mission, or to a public accountant, to a public depositary, or to one of his subordinates,

by reason of his office or duty, is punished by seven years' imprisonment and a fine of €100,000.

Attempt to commit the misdemeanour under the previous paragraph is subject to the same penalties.

SECTION IV

CONTEMPT Articles 433-5 to

433-5-1

ARTICLE 433-5

(Act no. 96-647 of 22 July 1996 Article 19 Official Journal 23 July 1996)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

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(Act no. 2002-1138 of 9 September 2002 Article 45 Official Journal of 10 September 2002)

Contempt is punished by a fine of €7,500. It consists of words, gestures or threats, written documents or pictures of

any type not released to the public, or the sending of any article addressed to a person discharging a public service

mission, acting in the discharge or on the occasion of his office, and liable to undermine his dignity or the respect owed

to the office that he holds.

When it is addressed to a person holding public authority, contempt is punished by six months' imprisonment and a

fine of €7,500.

When it is addressed to a person discharging a public service mission and the offence is committed inside a school

or an educational establishment, or in the surroundings of such an establishment at a time when the pupils are arriving

or leaving the premises, contempt is punished by six months' imprisonment and by a fine for €7,500.

When committed during a meeting, contempt under the first paragraph is punished by six months' imprisonment and

a fine of €7,500, and the contempt set out in the second paragraph is punished by one year's imprisonment and a fine of

€15,000.

ARTICLE 433-5-1

(Inserted by Act no. 2003-239 of 18 March 2003. Art.113 Official Journal of 19 March 2003)

The act of publicly insulting the national anthem or tricolour flag at a

demonstration organised or regulated by the public authorities is punished

by a fine of €7,500.

Where it is committed as a group action, the insult is punished by six

months' imprisonment and a fine of €7,500.

SECTION V

OF OBSTRUCTION Articles 433-6 to 433-10

ARTICLE 433-6

Obstruction consists of opposing violent resistance to a person holding public authority or discharging a public

service mission acting in the discharge of his office for the enforcement of laws, orders from a public authority, judicial

decisions or warrants.

ARTICLE 433-7

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Obstruction is punished by six months' imprisonment and a fine of €7,500.

Obstruction committed as a group action is punished by one year's imprisonment and a fine of €15,000.

ARTICLE 433-8

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Armed obstruction is punished by three years' imprisonment and a fine of €45,000.

Armed obstruction committed as a group action is punished by seven years' imprisonment and a fine of €100,000.

ARTICLE 433-9

Notwithstanding articles 132-2 to 132-5, where the person guilty of obstruction is imprisoned, the penalties imposed

for the misdemeanour of obstruction are consecutive to, and may not run concurrently with, any currently being served

by the person concerned, or imposed for a connected offence for which he is detained.

ARTICLE 433-10

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Direct incitement to obstruction, whether demonstrated by shouting or public speeches, or by the circulation or

display or communication in any other way of writings, or by words or pictures, is punished by a fine of €7,500.

When the misdemeanour under the previous paragraph is committed through the press or by broadcasting, the

specific legal provisions governing those matters are applicable to define the persons who are responsible.

SECTION VI

OBSTRUCTION TO THE EXECUTION OF PUBLIC WORKS Article 433-11

ARTICLE 433-11

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Obstructing, by acts of violence, the execution of public works or works of public utility is punished by one year's

imprisonment and a fine of €15,000.

SECTION VII

USURPATION OF OFFICE Articles 433-12 to

433-13

ARTICLE 433-12

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(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Any person acting without authority who interferes in the discharge of a public service by performing an act reserved

for the holder of this office is punished by three years' imprisonment and a fine of €45,000.

ARTICLE 433-13

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A penalty of one year's imprisonment and a fine of €15,000 is incurred by any person who:

1° exercises an activity in conditions liable to create in the mind of the public a confusion with the discharge of a

public service or an activity reserved to legal professional officers or public officers;

2° uses papers or written documents presenting a similarity to judicial or extra-judicial documents or a similarity to

administrative documents, liable to cause misapprehension in the mind of the public.

SECTION VIII

OF USURPATION OF INSIGNIA RESERVED TO A PUBLIC AUTHORITY Articles 433-14 to

433-16

ARTICLE 433-14

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A penalty of one year's imprisonment and a fine of €15,000 is incurred by any person who publicly and unlawfully:

1° wears a costume, uniform or decoration regulated by public authority;

2° uses a document establishing an official capacity or an insignia regulated by public authority;

3° uses a vehicle displaying outwardly visible insignias identical to those used by the national police or army.

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ARTICLE 433-15

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Wearing a costume or uniform in public, using a vehicle, or using an insignia or a document which bear a

resemblance to costumes, uniforms, vehicles, insignia badges or distinctive documents reserved for the national police

or army, and thus is liable to mislead the public, is punished by six months' imprisonment and a fine of €7,500.

ARTICLE 433-16

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The offences defined by articles 433-14 and 433-15 are punished by three years' imprisonment and a fine of

€45,000 where their object is to prepare or facilitate the commission of a felony or a misdemeanour.

SECTION IX

OF USURPATION OF TITLES Article 433-17

ARTICLE 433-17

The unlawful use of a title attached to a profession regulated by public authority or of an official certificate or

capacity of which the conditions of attribution are fixed by public authority is punished by one year's imprisonment and a

fine of €15,000.

SECTION X

THE UNLAWFUL USE OF A POSITION Article 433-18

ARTICLE 433-18

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A penalty of sentence of six months' imprisonment and a fine of €7,500 is incurred by the founder or the lawful or de

facto manager of a profit-making enterprise, who inscribes or causes to appear in an advertisement made for the

enterprise that he manages or intends to create:

1° the name, with indication of his capacity, of a member or a former member of the Government, the Parliament,

the European Parliament, the deliberating body of a local assembly, the Constitutional Council, the Conseil d'Etat, the

Social and Economic Council, the High Council for the Judiciary, the Cour de cassation, the Court of Public Auditors, the

Institute of France, the executive board of the Bank of France or of a collegiate body having the duty to supervise or to

give advice;

2° the name, with indication of his capacity, of a judge or prosecutor or former judge or prosecutor, of a civil servant

or former civil servant, or of a legal professional officer or a public officer;

3° the name of a person with the indication of any decoration, regulated by the public authority, awarded to him.

A banker or salesman who uses the advertising referred to under the previous paragraph is subject to the same

penalties.

SECTION XI

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OFFENCES AGAINST THE CIVIL STATUS OF PERSONS Articles 433-19 to

433-21-1

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ARTICLE 433-19

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A penalty of six months' imprisonment and a fine of €7,500 is incurred by:

1° using a name or part of a name other than that assigned by civil status;

2° changing, altering or modifying a name or part of a name assigned by civil status;

in an authentic or public document or in an administrative document drafted for public authority, other than where

regulations in force permit the drafting of such documents under an assumed civil status.

ARTICLE 433-20

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A person bound by marriage who contracts another marriage before the dissolution of the existing marriage is

punished by one year's imprisonment and a fine of €45,000.

The same penalties apply to any public officer who solemnises the marriage having knowledge of the existence of

the previous marriage.

ARTICLE 433-21

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Any minister of religion who habitually conducts religious ceremonies of marriages without being presented

beforehand with the marriage certificate received by officials responsible for civil status is punished by six months'

imprisonment and a fine of €7,500.

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ARTICLE 433-21-1

(Act no. 92-1336 of 16 December 1992 Article 366 and 373 Official Journal of 23 December 1992 in force 1 March 1994)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Any person conducting a funeral in a manner contrary to the wishes of the deceased or to a judicial decision, this

being a wish or decision of which he is aware, is punished by six months' imprisonment and a fine of €7,500.

SECTION XII

ADDITIONAL PENALTIES APPLICABLE TO NATURAL PERSONS AND

LIABILITY OF LEGAL PERSONS

Articles 433-22 to

433-25

ARTICLE 433-22

Natural persons convicted of any of the offences provided for under the present Chapter also incur the following

additional penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition to hold public office or to undertake the social or professional activity in the course of which or on the

occasion of the performance of which the offence was committed, for a maximum period of five years;

3° the public display or dissemination of the decision, pursuant to the conditions set out under article 131-35.

ARTICLE 433-23

In the cases referred to under articles 433-1, 433-2 and 433-4, the confiscation of the funds or articles unlawfully

received by the offender may also be imposed, with the exception of articles subject to restitution.

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ARTICLE 433-24

Natural persons convicted of any of the offences provided for under article 433-8 also incur the following additional

penalties:

1° prohibition to hold or carry a weapon requiring a licence, for a maximum period of five years;

2° confiscation of one or more weapons which belonged to the convicted person or which are freely available to

him.

ARTICLE 433-25

Legal persons may incur criminal liability for the offences referred to under Sections 1, 6, 7, 9 and 10, pursuant to

the conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° for a maximum period of five years, the penalties referred to under points 2°, 3°, 4°, 5°, 6° and 7° of article

131-39;

3° confiscation provided for by article 131-21;

4° the public display or dissemination of the decision, pursuant to the conditions set out under article 131-35.

The prohibition referred to under 2° of Article 131-39 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

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CHAPTER IV

PERVERTING THE COURSE OF JUSTICE Articles 434-1 to 434-47

SECTION I

OBSTRUCTING THE INTERVENTION OF JUSTICE Articles 434-1 to 434-7

ARTICLE 434-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Any person who, having knowledge of a felony the consequences of which it is still possible to prevent or limit, or

the perpetrators of which are liable to commit new felonies that could be prevented, omits to inform the administrative or

judicial authorities, is punished by three years' imprisonment and a fine of €45,000.

Except where felonies committed against minors under fifteen years of age are concerned, the following are

exempted from the provisions above:

1° the relatives in a direct line and their spouses, and the brothers and sisters and their spouses, of the perpetrator

or accomplice to the felony;

2° the spouse of the offender or accomplice to the felony, or the person who openly cohabits with him.

Also exempted from the provisions of the first paragraph are persons bound by an obligation of secrecy pursuant to

the conditions laid down under article 226-13.

ARTICLE 434-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Where the felony referred to under the first paragraph of article 434-1 consists of a violation of a fundamental

interest of the nation as defined by title I of the present Book or an act of terrorism referred to under title II of the present

Book, the penalty is increased to five years' imprisonment and to a fine of €75,000.

ARTICLE 434-3

(Act no. 98-468 of 17th June 1998 Article 15 Official Journal 18 June 1998; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

Any person who, having knowledge of maltreatment, deprivations, or sexual assaults inflicted upon a minor under

fifteen years of age or upon a person incapable of self-protection by reason of age, sickness, infirmity, psychical or

psychological disability or pregnancy, omits to report this to the administrative or judicial authorities is punished by three

years' imprisonment and a fine of €45,000.

Except where the law otherwise provides, persons bound by an obligation of secrecy pursuant to the conditions set

out under article 226-13 are exempted from the above provisions.

ARTICLE 434-4

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Where it is done in order to obstruct the discovery of the truth, a penalty of three years' imprisonment and a fine of

€45,000 applies to:

1° modifying the scene of a felony or a misdemeanour either by the alteration, falsification or obliteration of clues or

evidence, or by bringing, removing or suppressing any given article;

2° destroying, purloining, concealing or altering a private or public document or an article liable to facilitate the

discovery of a felony or a misdemeanour, the search for evidence or the conviction of the guilty party.

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Where the acts provided for under the present article are committed by a person who, because of his position, is

called to take part in the discovery of the truth, the penalty is increased to five years' imprisonment and to a fine of

€75,000.

ARTICLE 434-5

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Any threat or any other intimidation made against any person with a view to persuading the victim of a felony or a

misdemeanour not to file a complaint or to retract is punished by three years' imprisonment and a fine of €45,000.

ARTICLE 434-6

(Act no. 96-647 of 22nd July 1996 Article 7 Official Journal 23 July 1996; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

Providing the perpetrator or accomplice to a felony or an act of terrorism punished by at least ten years'

imprisonment with accommodation, a hiding-place, funds, the means of existence or any other means of evading

searches or arrest, is punished by three years' imprisonment and a fine of €45,000. The penalty is increased to five

years' imprisonment and a fine of €75,000 where the offence is committed habitually.

Exempted from the above provisions are:

1° the relatives in a direct line and their spouses, and the brothers and sisters and their spouses, of the perpetrator

or accomplice to the felony or terrorist offence;

2° the spouse of the perpetrator or accomplice to the felony or act of terrorism, or the person who openly cohabits

with him.

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ARTICLE 434-7

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The concealment or hiding of the dead body of a victim of a homicide or of a person who has died as a result of acts

of violence is punished by two years' imprisonment and a fine of €30,000.

SECTION II

OBSTRUCTING THE COURSE OF JUSTICE Articles 434-7-1 to

434-23

ARTICLE 434-7-1

(Act no. 92-1336 of 16 December 1992 Articles 213, 367 and 373 Official Journal of 23 December 1992 in force 1 March

1994)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The refusal by a judge or other member of a court or administrative authority to render justice after being required to

do so and which continues despite a warning or injunction from his superiors, is punished by a fine of €7,500 and

prohibition to hold a public position for a period of five to twenty years.

ARTICLE 434-7-2

(Inserted by Act no. 2004-204 of 9 March 2004 article 13 Official Journal of 10 March 2004)

Without prejudice to the rights of the defence, any person who by reason of his office, has knowledge, in

accordance with the provisions of the Code of Criminal Procedure, of information that has come out of an enquiry or an

investigation that is being carried out into a felony or a misdemeanour, and who directly or indirectly reveals this

information to persons who may be implicated in the commission of these offences, either as perpetrators, accomplices

or receivers of stolen goods, in circumstances where this revelation is liable to impede the course of the investigation or

the discovery of the truth, is punished by five years' imprisonment and by a fine of €75,000.

ARTICLE 434-8

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Any threat or any intimidation directed against a judge or prosecutor, a juror or any other member of a court, an

arbitrator, an interpreter, an expert or the lawyer of a party, with a view to influencing his behaviour in the discharge of

his office, is punished by three years' imprisonment and a fine of €45,000.

ARTICLE 434-9

(Act no. 2000-595 of 30 June 2000 Article 1 Official Journal 1 July 2000)

The direct or indirect request or unlawful acceptance of offers, promises, donations, gifts or advantages, at any

time, by a judge or prosecutor, a juror or any other member of court of law, an arbitrator or an expert appointed either by

a court or by the parties, or by a person appointed by a judicial authority to carry out conciliation or mediation, in return

for performing or abstaining from performing an act of his office, is punished by ten years' imprisonment and a fine of

€150,000.

Yielding to the solicitations of a person described in the previous paragraph, or to a proposal of any offer, promise,

donation, gift or reward with a view to obtaining from such a person the performance or non-performance of an act

pertaining to his office at any time, is subject to the same penalties.

Where the offence referred to under the first paragraph is committed by a judge or prosecutor in favour or against a

person who is being criminally prosecuted, the penalty is increased to fifteen years' criminal imprisonment and a fine of

€225,000.

ARTICLE 434-10

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2003-495 of 12 June 2003 art. 3 I Official Journal of 13 June 2003)

The driver of a terrestrial vehicle, or a river or sea-going craft who, knowing that he has just caused or brought

about an accident, fails to stop and thereby attempts to evade any civil or criminal liability that he may have incurred, is

punished by two years' imprisonment and a fine of €30,000.

Where articles 221-6 and 222-19 are applicable, the penalties applicable under those articles are doubled, except in

cases provided for by articles 221-6-1, 222-19-1 and 222-20-1.

ARTICLE 434-11

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Any person who, having evidence that a person provisionally detained or sentenced for a felony or misdemeanour is

innocent, wilfully abstains from presenting the evidence before the administrative or judicial authorities is punished by

three years' imprisonment and a fine of €45,000.

However, any person who is late in bringing his testimony but does so spontaneously is exempt from penalty.

Also exempted from the provisions of the first paragraph are:

1° the perpetrator or accomplice to the offence that led to the prosecution, their direct relatives and their spouses,

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their brothers and sisters and their spouses;

2° the spouse of the perpetrator or the accomplice to the offence that led to the prosecution, or any person who

openly cohabits with him.

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Also exempted from the provisions of the first paragraph are persons bound by an obligation of secrecy under the

conditions specified by article 226-13.

ARTICLE 434-12

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A person who, having publicly declared that he knows the perpetrators of felony or a misdemeanour, refuses to

reply to questions put to him in this respect by a judge is punished by one year's imprisonment and a fine of €15,000.

ARTICLE 434-13

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

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False testimony made under oath before any court of law or before a judicial police officer acting in the exercise of a

rogatory commission is punished by five years' imprisonment and a fine of €75,000.

However, the false witness is exempt from penalty where he retracts his testimony spontaneously before the

decision terminating the procedure has been made by the judicial investigating authority or the court of trial.

ARTICLE 434-14

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

False testimony is punished by seven years' imprisonment and a fine of €100,000:

1° where it is procured by the handing over of a gift or a reward;

2° where the person against whom or in favour of whom the false testimony was committed is liable to a penalty

applicable to a felony.

ARTICLE 434-15

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The use of promises, offers, presents, pressures, threats, acts of violence, manoeuvres or tricks in the course of

proceedings or in respect of a claim or defence in court to persuade others to make or deliver a statement, declaration

or false affidavit, or to abstain from making a statement, declaration or affidavit, is punished by three years'

imprisonment and a fine of €45,000, even where the subornation of perjury was ineffective.

ARTICLE 434-15-1

(Act no. 2000-516 of 15 June 2000 Article 32 Official Journal 16 June 2000 in force 1 January 2001)

(Act no. 2000-1354 of 30 December 2000 Article 11 Official Journal of 31 December 2000)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2002-1138 of 9 September 2002 Article 39 Official Journal of 10 September 2002)

Any person, summoned by an investigating judge or a judicial police officer acting in the exercise of a rogatory

commission in order to be heard as a witness, who refuses to appear, to take the oath or to make a deposition without

justification or excuse, is punished by a fine of €3,750.

ARTICLE 434-15-2

(Inserted by Act no. 2001-1062 of 15 November 2001 Article 31 16 November 2001)

A penalty of three years' imprisonment and a fine of €45,000 are incurred by anyone who, having the key to

decipher an encrypted message which may have been used to prepare, facilitate or commit a felony or a

misdemeanour, refuses to disclose that key to the judicial authorities or to operate it following instructions issued by the

judicial authorities under of title II and III of Book I of the Code of Criminal Procedure.

Where the refusal was made where the disclosure of the key or its operation would have prevented the commission

of a felony or a misdemeanour or would have limited its consequences, he penalty is increased to five years'

imprisonment and a fine of €75,000.

ARTICLE 434-16

The publication, prior to the pronouncement of the final judicial decision, of commentaries by pressure to influence

the statements of witnesses or the decision of the judicial investigating authority or trial court is punished by six months'

imprisonment and a fine of €7,500.

When the offence is committed through the press or by broadcasting, the specific legal provisions governing these

matters are applicable to define the persons who are responsible.

ARTICLE 434-17

Perjury in civil matters is punished by three years' imprisonment and a fine of €45,000.

ARTICLE 434-18

The misrepresentation of the substance of the translated words or documents committed in any matter by an

interpreter is punished in accordance with the distinctions referred to in articles 434-13 and 434-14 by five years'

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imprisonment and a fine of €75,000 or by seven years' imprisonment and a fine of €100,000.

ARTICLE 434-19

The subornation of an interpreter is punished in accordance with the conditions set out under Article 434-15.

ARTICLE 434-20

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The falsification of any data or findings by a judicial expert in his written or oral presentation is punished, in

accordance with the distinctions set out under articles 434-13 and 434-14, by five years' imprisonment and a fine of

€75,000 or by seven years' imprisonment and a fine of €100,000.

ARTICLE 434-21

The subornation an expert is punished pursuant to the conditions laid down under article 434-15.

ARTICLE 434-22

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The breaking of seals affixed by the public authority is punished by two years' imprisonment and a fine of €30,000.

Attempt to break the seals is subject to the same penalties.

The same penalties apply to any misappropriation of articles placed under seals or under judicial safekeeping.

ARTICLE 434-23

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Assuming the name of another person in circumstances that lead or could have led to the initiation of a criminal

prosecution against such a person is punished by five years' imprisonment and a fine of €75,000.

Notwithstanding the provisions of articles 132-2 to 132-5, sentences imposed for this misdemeanour are cumulated,

and may not run concurrently with any imposed for the offence in the context of which the name was usurped.

The penalties set out under the first paragraph apply to a false statement in respect of the civil status of a person

which has led or could have led to the initiation of a criminal prosecution against another person.

SECTION III

OFFENCES AGAINST THE AUTHORITY OF JUSTICE Articles 434-24 to

434-43

Paragraph 1

Violation of the respect due to justice Articles 434-24 to

434-26

ARTICLE 434-24

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Abuse by words, gestures or threats, written documents or pictures of any type not publicly available, or the sending

of any article to a judge or prosecutor, a juror or any other member of a court acting in the course of or on the occasion

of the discharge of his office and liable to undermine his dignity or the respect owed to the office which he holds is

punished by one year's imprisonment and a fine of €15,000.

If the abuse occurs at a hearing by a court, tribunal or any judicial forum, the penalty is increased to two years'

imprisonment and to a fine of €30,000.

ARTICLE 434-25

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The attempt to publicly discredit a court's act or decision by actions, words, documents or pictures of any type, in

circumstances liable to undermine the authority of justice or its independence, is punished by six months' imprisonment

and a fine of €7,500.

The provisions of the previous paragraph are not applicable to technical commentaries or to acts, words, documents

or pictures of any type oriented towards the amendment, cassation or revision of a decision.

When the offence is committed through the press or by broadcasting, the specific legal provisions governing those

matters are applicable to define the persons who are responsible.

Criminal proceedings are time barred after three months from the day on which the offence defined by the present

article was committed, if in the meantime no act of investigation or prosecution has taken place.

ARTICLE 434-26

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A false complaint made to a judicial or administrative authority detailing the facts of a felony or a misdemeanour

which causes the judicial authorities to make needless enquiries is punished by six months' imprisonment and a fine of

€7,500.

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Paragraph 2

Escape Articles 434-27 to

434-37

ARTICLE 434-27

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2004-204 of 9 March 2004 article 194 I Official Journal of 10 March 2004)

Punishable escape occurs when a person who is detained absconds from custody.

Escape is punished by three years' imprisonment and a fine of €45,000.

Where this escape is carried out through violence, breaking out, or corruption, even if this was committed by a third

party acting in conjunction with the detainee, the penalties are increased to five years' imprisonment and to a fine of

€75,000.

ARTICLE 434-28

For the purpose of the present paragraph, a person is considered as being detained:

1° who is in police custody;

2° who is about to be or is being brought before a judicial authority at the end of police custody or pursuant to a

bench warrant;

3° who has been served a detention warrant or of arrest warrant which remains in force;

4° who is serving a custodial sentence or who has been arrested to serve that sentence;

5° who is placed in custody pending extradition.

ARTICLE 434-29

(Act no. 92-1336 of 16 December 1992 Article 368 and 373 Official Journal of 23 December 1992 in force 1 March 1994)

(Act no. 97-1159 of 19 December 1997 Article 1 Official Journal 31 December 97)

An escape is subject to the same penalties where:

1° a detainee placed in a hospital or health institution absconds from the supervision to which he is subjected;

2° a convicted person evades the control to which he is subjected whilst posted to a non-custodial assignment, or

under electronic supervision, or whilst enjoying partial or temporary leave;

3° a convicted person fails to return to the penitentiary institution at the end of an order suspending or dividing a

sentence of imprisonment, of a non-custodial assignment, semi-detention or temporary leave;

4° a convicted person placed under electronic supervision neutralises by any means the apparatus permitting the

detection from a distance of either his presence in or his absence from any premises designated by the penalty

enforcement judge.

ARTICLE 434-30

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2004-204 of 9 March 2004 article 6 XII, article 194 II Official Journal of 10 March 2004)

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The offences defined by article 434-27 and 1° of article 434-29 are punished by seven years' imprisonment and a

fine of €100,000 where they are committed using the threat of a weapon or an explosive, incendiary or toxic substance.

The penalties are increased to ten years' imprisonment and to a fine of €150,000 where use was made of a weapon

or an explosive, incendiary or toxic substance or where the offences were carried out by an organised gang, whether or

not the members of this gang were detainees.

ARTICLE 434-31

Notwithstanding the provisions of articles 132-2 to 132-5, the penalties imposed for the misdemeanour of escape

are cumulative, and may not run concurrently with those that the escapee was serving or those imposed for the offence

for which was detained.

ARTICLE 434-32

A penalty of three years' imprisonment and a fine of €45,000 is incurred by any person who procures a detained

person with any means of absconding from the custody he was subjected to is punished by a sentence.

If the support so given was accompanied by acts of violence, a break-out or corruption, the offence is punished by

five years' imprisonment and a fine of €75,000.

If the support consists of the supply or use of a weapon or explosive, incendiary or toxic substance the offence is

punished by seven years' imprisonment and a fine of €100,000.

ARTICLE 434-33

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

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A penalty of ten years' imprisonment and a fine of €150,000 is incurred by any person exercising the supervision of

a detainee who facilitates or prepares the escape of the detained person, even by deliberate omission.

These provisions are also applicable to any person authorised by his position to enter a penitentiary institution or to

approach detained persons in whatever capacity.

In the cases set out under the present article, where the support provided consists of the supply or use of a weapon

or explosive, incendiary or toxic substance the offence is punished by fifteen years' imprisonment and a fine of

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€225,000.

ARTICLE 434-34

The persons referred to under articles 434-32 and 434-33 may be jointly sentenced to pay any damages that the

victim is entitled to obtain from the detainee as a civil party in the prosecution for the offence for which latter was

detained.

ARTICLE 434-35

(Ordinance no. 2000-916 of 19 September 2000 Art. 3 Official Journal of 22 September 2000 in force on 1 January

2002)

(Act no. 2003-239 of 18 March 2003. Art. 73 I Official Journal of 19 March 2003)

A penalty of one year's imprisonment and a fine of €15,000 is incurred by anyone who, in any place whatever,

delivers to a detained person or procures for or receives from him any money, correspondence, articles or substances

other than those permitted by regulations, or who communicates with a detainee in circumstances other than those

permitted by regulations.

The penalty is increased to three years' imprisonment and to a fine of €45,000 where the convicted person was

entrusted with the supervision of detained persons or where he was authorised by his position to enter a penitentiary

institution or to approach detainees in any capacity.

ARTICLE 434-35-1

(Inserted by Act no. 2003-239 of 18 March 2003. Art. 73 II Official Journal of 19 March 2003)

To enter a prison institution or to climb its perimeter fence without authorisation under the legislative or statutory

provisions, or the permission of the competent authorities, is punished by a year's imprisonment and by a fine of

€15,000.

ARTICLE 434-36

Attempt to commit the misdemeanours referred to under the present paragraph is subject to the same penalties.

ARTICLE 434-37

Any person who has attempted to commit, either as a principal or as an accomplice, any of the offences set out

under the present paragraph is exempted from punishment if, having informed the judicial authorities or the penitentiary

administration, he has enabled the escape to be prevented.

Paragraph 3

Other offences against the authority of criminal justice Articles 438-38 to

434-43

ARTICLE 438-38

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

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The appearance in a prohibited place by any person subject to area banishment is punished by two years'

imprisonment and a fine of €30,000.

The same penalties apply to any person subject to area banishment who evades any supervision measures ordered

by a judge.

ARTICLE 434-39

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Where a judgment has ordered as a penalty the public display of the sentence, the suppression, concealing or

tearing, in whole or in part, of the posters displayed is punished by six months' imprisonment and a fine of €7,500.

The judgment will order the renewed enforcement of the public display at the expense of the convicted person.

ARTICLE 434-40

Where a prohibition to undertake a social or professional activity referred to under articles 131-27 to 131-29 has

been ordered as a penalty, any breach of the prohibition is punished by two years' imprisonment and a fine of €30,000.

ARTICLE 434-41

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force on 1 January

2002)

(Act nº 2003-495 of 12 June 2003 art. 3 I Official Journal of 13 June 2003)

A penalty of two years' imprisonment and a fine of €30,000 applies to any breach by the convicted person of any

obligations or prohibitions arising from the suspension or cancellation of a driving licence, the prohibition to drive certain

motor vehicles, the prohibition to appear in certain places or to associate with certain persons, the obligation to complete

a course, the prohibition to hold or to carry a weapon, the withdrawal of a hunting licence, the prohibition to draw

cheques or to use payment cards, the mandatory closure of premises or the disqualification from public tenders imposed

by application of articles 131-5-1, 131-6, 131-10, 131-14, 131-16 or 131-17.

The same penalty applies to the destruction, misappropriation or attempt to destroy or misappropriate a vehicle that

has been immobilised, or a vehicle, weapon or other article confiscated by virtue of articles 131-6 131-10, 131-14 or

131-16.

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The same penalties also apply to the refusal, by a person receiving notification of a decision imposing on him, under

the aforementioned articles, the suspension or the cancellation of a driving licence, the withdrawal of a hunting licence

or the confiscation of a vehicle, a weapon or any other article, to hand over the licences suspended, cancelled or

withdrawn or the article confiscated, to the representative of the authority enforcing the decision.

ARTICLE 434-42

(Act no. 92-1336 of 16th December 1992 Article 369 and 373 Official Journal of 23rd December 1992 in force 1st March

1994; Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Breach by the convicted person of the obligations derived from community service imposed whether as a principal

or an additional sentence is punished by two years' imprisonment and a fine of €30,000.

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ARTICLE 434-43

(Act no. 2001-504 of 12 June 2001 Article 17 Official Journal of 13 June 2001; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

Where any of the penalties referred to under article 131-29 has been imposed upon a legal person, breach by a

natural person of the obligations arising from the sentence is punished by two years' imprisonment and a fine of

€30,000.

A natural person who takes part in the maintenance or reconstruction, overt or clandestine, of a legal person of

which the dissolution has been ordered in accordance with the provisions of 1° of article 131-9 is punished by three

years' imprisonment and a fine of €45,000.

Where the dissolution was ordered for an offence committed repeatedly, or for the offence referred to under the

previous paragraph, the penalty is increased to five years' imprisonment and a fine of €75,000.

SECTION IV

ADDITIONAL PENALTIES AND LIABILITY OF LEGAL PERSONS Articles 434-44 to

434-47

ARTICLE 434-44

Natural persons convicted of any of the offences provided for under articles 434-4 to 434-8, 434-11, 434-13 to

434-15, 434-17 to 434-23, 434-27, 434-29, 434-30, 434-32, 434-33, 434-35, 434-36 and 434-40 to 434-43 are also liable

to forfeiture of civic, civil and family rights pursuant to the conditions set out under article 131-26.

In the cases set out under articles 434-16 and 434-25, the public display or dissemination of the decision

pronounced may also be ordered, pursuant to the conditions set out in article 131-35.

In the cases referred to under article 434-33 and in the second paragraph of article 434-35, prohibition to hold public

office or to undertake the social or professional activity in the course of which or on the occasion of the performance of

which the offence was committed may also be ordered, pursuant to the conditions set out under article 131-27.

In all the cases set out under the present Chapter, the confiscation of the thing which was used or intended for the

commission of the offence is also applicable, with the exception of articles subject to restitution.

ARTICLE 434-45

(Act no. 2003-495 of 12 June 2003 art. 3 I Official Journal of 13 June 2003)

Natural persons convicted of the offence referred to under article 434-10 are also liable to incur the suspension of

their driving licence for a maximum period of five years. This suspension may not be restricted to the driving of a vehicle

outside professional activities.

ARTICLE 434-46

Any alien convicted of any of the offences referred to under the second paragraph of article 434-9, under article

434-30, under the last paragraph of article 434-32 or article 434-33 may be banished from French territory either

permanently or for a maximum period of ten years, pursuant to the conditions set out under article 131-30.

ARTICLE 434-47

(Act no. 2001-504 of 12 June 2001 Article 18 Official Journal 13 June 2001)

Legal persons may incur criminal liability for the offences referred to under articles 434-39 and 434-43, pursuant to

the conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° for a maximum period of five years, the penalties referred to under 2°, 3°, 4°, 5°, 6° and 7° of article 131-39;

3° confiscation set out by article 131-21;

4° the public display or dissemination of the decision, pursuant to the conditions set out under article 131-35.

5° for the offences of the second and third paragraphs of article 434-43, the penalty of dissolution referred to under

1° of article 131-39.

The prohibition referred to under 2° of article 131-39 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

CHAPTER V

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PENAL CODE

OFFENCES AGAINST THE PUBLIC ADMINISTRATION OF THE EUROPEAN

COMMUNITIES, MEMBER STATES OF THE EUROPEAN UNION, OTHER FOREIGN

STATES AND PUBLIC INTERNATIONAL ORGANISATIONS

Articles 435-1 to 435-6

SECTION I

PASSIVE CORRUPTION Article 435-1

ARTICLE 435-1

(Act no. 200-595 of 30th June 2000 Article 2 Official Journal 1 July 2000; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

For the implementation of the Convention on the Fight against Corruption involving Officials of the European

Communities or Officials of Member States of the European Union signed at Brussels on the 26th May 1997, the

unjustified request or acceptance at any time, directly or indirectly, by a community civil servant or national civil servant

of another member State of the European Union or by a member of the Commission of the European Community, the

European Parliament, the Court of Justice or the Court of Auditors of the European Community of any offer, promise,

donation, gift or reward of any kind, to carry out or abstain from carrying out an act of his office, mission or mandate, or

facilitated by his office, duty or mandate, is punished by ten years' imprisonment and a fine of €150,000.

SECTION II

ACTIVE CORRUPTION Articles 435-2 to 435-4

SUBSECTION 1

ACTIVE CORRUPTION OF CIVIL SERVANTS OF THE EUROPEAN

COMMUNITY, CIVIL SERVANTS OF MEMBER STATES OF THE EUROPEAN UNION,

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Article 435-2

ARTICLE 435-2

For the implementation of the Convention on the Fight against Corruption involving Officials of the European

Communities or Officials of Member States of the European Union signed at Brussels on the 26th May 1997, the

unlawful proffering, at any time, directly or indirectly, of any offer, promise, gift, present or advantage of any kind to a

community civil servant or national civil servant of another Member State of the European Union or to a member of the

Commission of the European Community, the European Parliament, the Court of Justice or the Court of Auditors of the

European Community to carry out or abstain from carrying out an act of his office, mission or mandate, or facilitated by

his office, duty or mandate, is punished by ten years' imprisonment and a fine of €150,000.

The same penalties apply to yielding to any person specified in the previous paragraph who unlawfully solicits, at

any time, directly or indirectly, any offer, promise, gift, present or advantage of any kind to carry out or abstain from

carrying out an act specified in the previous paragraph.

SUBSECTION 2

OF ACTIVE CORRUPTION BY PERSONS ACTING UNDER THE

AUTHORITY OF FOREIGN STATES OTHER THAN THE MEMBER STATES OF THE

EUROPEAN UNION AND PUBLIC INTERNATIONAL ORGANISATIONS OTHER THAN THE

INSTITUTIONS OF TH

Articles 435-3 to 435-4

ARTICLE 435-3

(Act no. 200-595 of 30th June 2000 Article 2 Official Journal 1 July 2000; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

For the implementation of Convention on Combating Bribery of Foreign Public Officials in International Business

Transactions signed in Paris the 17th December 1997, the unlawful proffering, at any time, directly or indirectly, of any

offer, promise, gift, present or advantage of any kind to a person holding public office or discharging a public service

mission, or an electoral mandate in a foreign State, or within a public international organisation, to carry out or abstain

from carrying out an act of his function, duty or mandate or facilitated by his function, duty or mandate, with a view to

obtaining or keeping a market or other improper advantage in international commerce is punished by ten years'

imprisonment and a fine of €150,000.

The same penalties apply to yielding to any person specified in the previous paragraph who unlawfully solicits, at

any time, directly or indirectly, any offer, promise, gift, present or advantage of any kind to carry out or abstain from

carrying out an act specified in the previous paragraph.

Prosecution of the misdemeanours referred to under the present article may only be initiated on the orders of the

public prosecutor.

ARTICLE 435-4

(Act no. 200-595 of 30th June 2000 Article 2 Official Journal 1 July 2000; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

For the implementation of Convention on Combating Bribery of Foreign Public Officials in International Business

Transactions signed in Paris the 17 December 1997, the unlawful proffering, at any time, directly or indirectly, of any

offer, promise, gift, present or advantage of any kind to obtain from any judge or prosecutor, juror or any other person

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holding judicial office, arbitrator or expert (whether nominated by the court or by the parties) or a person entrusted by

judicial authority with a duty of conciliation or mediation, in a foreign State or within a public international organisation, to

carry out an act or abstain from carrying out an act of his office, duty or mandate or facilitated by his office, duty or

mandate, with a view to obtaining or keeping any market or other unjustified advantage in international commerce is

punished by ten years' imprisonment and a fine of €150,000.

The same penalties apply to yielding to any person specified in the previous paragraph who unlawfully solicits, at

any time, directly or indirectly, any offer, promise, gift, present or advantage of any kind to carry out or abstain from

carrying out an act specified in the previous paragraph.

Prosecution of the misdemeanours referred to under the present article may only be initiated on the orders of the

public prosecutor.

SECTION III

ADDITIONAL PENALTIES AND LIABILITY OF LEGAL PERSONS Articles 435-5 to 435-6

ARTICLE 435-5

(Act no. 200-595 of 30th June 2000 Article 2 Official Journal 1 July 2000)

Legal persons convicted of any of the offences set out under the present Chapter incur the following additional

penalties;

1° forfeiture of civic, civil and family rights in accordance with the conditions laid down under article 131-26;

2° prohibition to hold, for a maximum period of five years, a public office or to undertake the professional or social

activity in the course of which or on the occasion of the performance of which the offences was committed;

3° public display or dissemination of the decision in accordance with the conditions set out under article 131-35;

4° confiscation, in accordance with the conditions laid down under article 131-21, of the object which was used or

intended to commit the offence or the object which is the product of it, except for articles liable to restitution.

Banishment from French territory, either permanent or for a period of up to ten years, may be imposed under

conditions set out in article 131-30, may additionally be imposed on any foreigner who is guilty of one of the offences

mentioned in the first paragraph.

ARTICLE 435-6

(Act no. 200-595 of 30th June 2000 Article 2 Official Journal 1 July 2000)

Legal persons may incur criminal liability pursuant to the conditions set out under article 121-2 for the offences set

out under articles 435-2, 435-3 and 435-4.

The penalties incurred by legal persons are:

1° a fine, in the manner prescribed to under article 131-38;

2° for a maximum period of five years:

- prohibition to undertake directly or indirectly the professional or social activity in which or on the occasion of which

the offence was committed;

- placement under judicial supervision;

- closure of the establishment or one of the establishments of the enterprise which was used to commit the offence;

- disqualification from public tenders;

- prohibition to draw cheques, except those allowing the withdrawal of funds by the drawer from the drawee or

certified cheques, or to use payment cards;

3° confiscation, in accordance with the conditions laid down under article 131-21, of the thing which was used or

intended for the commission of the offence, or of the thing which is the product of it, except for articles liable to

restitution;

4° The public display or dissemination of the decision, in accordance with the conditions set out under article

131-35.

CHAPTER VI

TAKING PART IN MERCENARY ACTIVITY Articles 436-1 to 436-5

ARTICLE 436-1

(Inserted by Act no. 2003-340 of 14 April 2003. Art. 1 Official Journal of 15 April 2003)

The following are punished by five years' imprisonment and by a fine of €75,000:

1º For any person who has been specially recruited to participate in an armed conflict, and who is neither a citizen

of a State involved in the aforesaid conflict, nor a member of the armed forces of the State, and has not been sent on a

mission by another State not involved in the conflict as a member of the armed forces of this State, to directly participate

or to attempt to directly participate in the hostilities, with a view to obtaining personal advantage or remuneration

considerably in excess of what is paid or promised to the combatants of the same rank and with the same duties in the

armed forces fighting on the same side;

2º For any person who has been specially recruited to take part in a concerted violent act designed to overthrow

institutions or to attack the territorial integrity of a State, and who is not a citizen of the State against which the attack is

planned, nor a member of the aforesaid State's armed forces, and who has not been sent on such a mission by another

State, to take part in such an act with a view to obtaining a personal advantage or a significant payment.

ARTICLE 436-2

(Inserted by Act no. 2003-340 of 14 April 2003. Art. 1 Official Journal of 15 April 2003)

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Directing or setting up an organisation for the purpose of recruiting, employing, financing, equipping or providing

military training for a person described in article 436-1 is punished by seven years' imprisonment and by a fine of

€100,000.

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ARTICLE 436-3

(Inserted by Act no. 2003-340 of 14 April 2003. Art. 1 Official Journal of 15 April 2003)

Where the acts detailed in the present chapter are committed abroad by a French citizen or someone who generally

resides in French territory, French law applies notwithstanding the second paragraph of article 113-6, and the provisions

of the second sentence of article 113-8 do not apply.

ARTICLE 436-4

(Inserted by Act no. 2003-340 of 14 April 2003. Art. 1 Official Journal of 15 April 2003)

Natural persons convicted of the offences set out in the present chapter also incur the following additional penalties:

1° prohibition of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° full or partial dissemination of the decision pronounced or of a communiqué informing the public of the grounds

for this pronouncement in accordance with the conditions set out under article 131-35;

3° area banishment, pursuant to the conditions set out under article 131-31.

ARTICLE 436-5

(Inserted by Act no. 2003-340 of 14 April 2003. Art. 1 Official Journal of 15 April 2003)

Legal persons may incur criminal liability, pursuant to the conditions set out under article 121-2, for the offence

outlined in article 436-2.

The penalties applicable to legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties enumerated under article 131-39.

The prohibition determined under 2° of article 131-39 applies to the activity in the exercise of which or on the

occasion of the exercise of which the offence was committed.

TITLE IV

UNDERMINING PUBLIC TRUST Articles 441-1 to 445-4

CHAPTER I

FORGERY Articles 441-1 to 441-12

ARTICLE 441-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Forgery consists of any fraudulent alteration of the truth liable to cause harm and made by any means in a

document or other medium of expression of which the object is, or effect may be, to provide evidence of a right or of a

situation carrying legal consequences.

Forgery and the use of forgeries is punished by three years' imprisonment and a fine of €45,000.

ARTICLE 441-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Forgery committed in a document delivered by a public body for the purpose of establishing a right, an identity or a

capacity, or to grant an authorisation is punished by five years' imprisonment and a fine of €75,000.

The use of a forgery specified in the previous paragraph is subject to the same penalties.

The penalty is increased to seven years' imprisonment and to a fine of €100,000 where the forgery or the use of the

forgery is committed:

1° by a person holding public authority or discharging a public service mission acting in the exercise of his office;

2° habitually;

3° or with the intent to facilitate the commission of a felony or to gain impunity for the perpetrator.

ARTICLE 441-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The dishonest possession of any of the forged documents defined by article 441-2 is punished by two years'

imprisonment and a fine of €30,000.

The penalty is increased to five years' imprisonment and to a fine of €75,000 where more than one forged

documents are unlawfully possessed.

ARTICLE 441-4

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Forgery in an authentic or public document or a record prescribed by a public authority is punished by ten years'

imprisonment and a fine of €150,000.

The use of a forgery as described in the previous paragraph is subject to the same penalties.

The penalty is increased to fifteen years' criminal imprisonment and to a fine of €225,000 where the forgery or the

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use of forgery was committed by a person holding public authority or to discharge a public service mission whilst acting

in the exercise of his office or mission.

ARTICLE 441-5

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Unlawfully procuring for another person a document delivered by a public body for the purpose of establishing a

right, an identity or capacity, or the grant of an authorisation is punished by five years' imprisonment and a fine of

€75,000.

The penalty is increased to seven years' imprisonment and to a fine of €100,000 where the offence is committed:

1° by a person holding public authority or to discharge a public service mission whilst acting in the exercise of his

office;

2° habitually;

3° or with the intent to facilitate the commission of a felony or to gain impunity for the perpetrator.

ARTICLE 441-6

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Unlawfully obtaining from a public administration or from an institution discharging a public service mission, by any

fraudulent means, any document intended to establish a right, an identity or a capacity, or to grant an authorisation is

punished by two years' imprisonment and a fine of €30,000.

The same penalties apply to the submission of a false statement so as to obtain from a public administration or from

an institution discharging a public service mission an allowance, a cash payment or benefit that is not due.

ARTICLE 441-7

Except as otherwise provided in the present Chapter, a penalty of one year's imprisonment and a fine of €15,000 is

incurred by:

1° drafting an attestation or certificate stating materially inaccurate facts;

2° forging an attestation or certificate which was originally genuine;

3° using an inaccurate or forged written attestation or certificate;

The penalty is increased to three years' imprisonment and a fine of €45,000 where the offence was committed with

a view to prejudice the Public Treasury or the estate of another person.

ARTICLE 441-8

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A penalty of two years' imprisonment and a fine of €30,000 is incurred by any person who, acting in the exercise of

his profession, directly or indirectly makes offers, promises, gifts, donations or advantages of any kind to produce an

attestation or a certificate stating facts that are materially inaccurate.

The same penalties apply to yielding to the solicitations described in the previous paragraph, or the use of acts of

violence or threats, or the direct or indirect proposal of offers, promises, gifts, donations or advantages of any kind to

obtain from a person acting in the exercise of his profession an attestation or certificate stating facts that are materially

inaccurate.

The penalty is increased to five years' imprisonment and to a fine of €75,000 where the person described in the first

two paragraphs is a medical or health practitioner and the written statement containing inaccurate facts conceals or

untruthfully certifies the existence of a sickness, disability or a state of pregnancy, or provides wrongful indications as to

the origin of a sickness or a disability or as to the cause of a death.

ARTICLE 441-9

Attempt to commit the misdemeanours referred to under articles 441-1, 441-2 and 441-4 to 441-8 is subject to the

same penalties.

ARTICLE 441-10

Natural persons convicted of the felonies or misdemeanours referred to under the present Chapter also incur the

following additional penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition to hold public office or to undertake a social or professional activity pursuant to the conditions set out

under article 131-27;

3° disqualification from public tenders;

4° confiscation of the thing which was used or intended for the commission of the offence, or of the thing which is

the product of it, except for articles subject to restitution.

ARTICLE 441-11

Any alien convicted of any of the offences referred to under the present Chapter may be banished from French

territory either permanently or for a maximum period of ten years pursuant to the conditions set out under article 131-10.

ARTICLE 441-12

Legal persons may incur criminal liability for the offences referred to under the present Chapter pursuant to the

conditions set out under article 121-2.

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The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties referred to under article 131-39.

The prohibition referred to under 2° of article 131-39 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

CHAPTER II

COUNTERFEITING Articles 442-1 to 442-15

ARTICLE 442-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2004-204 of 9 March 2004 article 6 XIII Official Journal of 10 March 2004)

The counterfeiting or the forging of coins or banknotes which are legal tender in France or are issued by authorised

international or foreign institutions for that purpose is punished by thirty years' criminal imprisonment and a fine of

€450,000.

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The same penalties apply to the manufacture of any coins and banknotes mentioned in the previous paragraph by

making use of equipment or material authorised and designated for this purpose, where this is done in breach of the

rules made by the institutions authorised to issue this money and without their agreement.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offences referred to

under the present article.

ARTICLE 442-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

(Act no. 2004-204 of 9 March 2004 article 6 XIV Official Journal of 10 March 2004)

Transporting, putting into circulation or holding with a view to putting into circulation any forged or counterfeited

money referred to under article 442-1, or money that has been illegally produced in breach of the second paragraph of

that article, is punished by ten years' imprisonment and a fine of €150,000.

Where committed by an organised gang, the same offences are punished by thirty years' criminal imprisonment and

a fine of €450,000.

The first two paragraphs of article 132-23 governing the safety period are applicable to the offence referred to under

the second paragraph the present article.

ARTICLE 442-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The counterfeiting or forging of French or foreign coins or banknotes which are no longer legal tender or are no

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longer authorised is punished by five years' imprisonment and a fine of €75,000.

ARTICLE 442-4

Putting into circulation any unauthorised money designed to replace coins or banknotes that are legal tender in

France is punished by five years' imprisonment and a fine of €75,000.

ARTICLE 442-5

(Act no. 2001-1168 of 11 December 2001 art. 17 Official Journal 12 December 2001)

The unauthorised manufacture, use or possession of raw materials, equipment, computer programs or any other

object specially designed for the manufacture of coins and banknotes, or for the protection of banknotes or coins against

counterfeiting, is punished by two years' imprisonment and a fine of €30,000.

ARTICLE 442-6

A penalty of one year's imprisonment and a fine of €15,000 applies to the manufacture, sale or circulation of any

articles, printed documents or forms which resemble the instruments referred to in article 442-1 so as to facilitate their

acceptance in lieu of the tender they resemble.

ARTICLE 442-7

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

Any person who, having received forged or counterfeited money referred to under article 442-1 believing them to be

genuine, returns them to circulation after discovering their falsity is punished by a fine of €7,500.

ARTICLE 442-8

Attempt to commit the misdemeanours referred to under the first paragraph of article 442-2 and under articles 442-3

to 442-7 is subject to the same penalties.

ARTICLE 442-9

Any person having attempted to commit one of the offences set out under the present Chapter is exempt from

penalty if, having informed the judicial or administrative authorities, he has made it possible to prevent the offence and,

where relevant, to identify the other offenders.

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ARTICLE 442-10

The custodial sentence incurred by the perpetrator or accomplice to the offences set out under articles 442-1 to

442-4 is reduced by half where, having informed the judicial or administrative authorities, he has made it possible to

prevent the offence and, where relevant, to identify the other offenders.

ARTICLE 442-11

Natural persons convicted of the felonies or misdemeanours set out under articles 442-1 to 442-6 also incur the

following additional penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26;

2° prohibition to hold public office or to undertake a social or professional activity in the manner prescribed under

article 131-27;

3° area banishment pursuant to the conditions under article 131-31.

ARTICLE 442-12

(Act no. 93-1027 of 24 August 1993 Article 33 Official Journal 29 August 1993)

(Act no. 98-349 of 11 May 1998 Article 37 Official Journal 12 May 1998)

(Act no. 2003-1119 of 26 November 2003 Article 78 III Official Journal of 27 November 2003)

Any alien convicted of any of the offences referred to under articles 442-1 to 442-4 may be banished from French

territory either permanently or for a maximum period of ten years, pursuant to the conditions set out under article

131-30.

ARTICLE 442-13

In all the cases set out under the present Chapter the court may also order confiscation of the thing which was used

or intended for the commission of the offence or the thing which is the product of it, with the exception of articles which

may be subject to restitution.

The confiscation of counterfeit or forged coins and banknotes, as well as of the raw materials and equipment

designed for their manufacture, is mandatory.

The counterfeit or forged coins or banknotes are respectively returned to either the Coins and Medal Administration

or to the Bank of France, for the purpose of eventual destruction. To these bodies are also given, for the same purpose,

any confiscated raw materials or equipment that they select.

The confiscation of the articles, printed documents or forms referred to under article 442-6 is also mandatory. It

entails the transfer of the thing confiscated, for the purpose of destruction, to the Coins and Medals Administration or to

the Bank of France, in accordance with the distinction made in the previous paragraph.

ARTICLE 442-14

Legal persons may incur criminal liability for the offences referred to under the present chapter, pursuant to the

conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties referred to under article 131-39.;

3° confiscation, pursuant to the conditions set out under article 442-13.

The prohibition mentioned in 2° of article 131-39 applies to the activity in the exercise of which or on the occasion of

the exercise of which the offence was committed.

ARTICLE 442-15

(Inserted by Act no. 2001-1168 of 11 December 2001 Article 17 Official Journal 12 December 2001)

The provisions of articles 442-1, 442-2 and 442-5 to 442-14 as regards banknotes and coins intended to be put into

circulation, but have not yet been issued by the authorised institutions and are not yet legal tender.

CHAPTER III

FORGERY OF SECURITIES ISSUED BY PUBLIC AUTHORITIES Articles 443-1 to 443-8

ARTICLE 443-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

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The counterfeiting or the forgery of papers issued by the Public Treasury with its stamp or mark or of papers issued

by foreign States with their stamp or mark, as well as the

use or transport of such forged or counterfeited papers, is punished by seven years' imprisonment and a fine of

€100,000.

ARTICLE 443-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The counterfeiting or forging of stamps or other postal fiduciary securities, and also of stamps issued by the public

finance administration, and the sale, transport, circulation or use of such counterfeited or forged stamps or securities is

punished by five years' imprisonment and a fine of €75,000.

ARTICLE 443-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

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2002)

A penalty of one year's imprisonment and a fine of €15,000 is incurred by manufacturing, selling, transporting or

distributing any articles, printed documents or forms which resemble documents of title or other fiduciary securities

issued by the State, local councils, public corporation, or the public operators referred to by Act n° 90-568 of 2 July 1990

governing the organisation of the postal and telecommunications public service so as to facilitate the acceptance of such

articles, printed documents or forms in lieu of the securities they resemble.

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ARTICLE 434-4

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

A penalty of six months' imprisonment and a fine of €7,500 is incurred by counterfeiting or forging foreign stamps or

other postal securities issued by the postal service of a foreign country, and also the selling, transport, distribution or use

of those counterfeited or forged stamps or securities.

ARTICLE 443-5

Attempt to commit the misdemeanours referred to under the present Chapter is subject to the same penalties.

ARTICLE 443-6

Natural persons convicted of the felonies or misdemeanours referred to under the present Chapter also incur the

following additional penalties:

1° forfeiture of civic, civil and family rights pursuant to the conditions set out under article 131-26;

2° prohibition to hold public office or to exercise a social or professional activity, pursuant to the conditions set out

under article 131-27;

3° confiscation of the thing which was used or intended for the commission of the offence or of the thing which is the

product of it, except for articles subject to restitution .

The confiscation of the corpus delicti is mandatory in every case. It entails handing over the thing seized to the

public administration for the purpose of eventual destruction.

ARTICLE 443-7

Any alien convicted of any of the offences referred to under articles 443-1 and 443-2 may be banished from French

territory either permanently or for a maximum period of ten years in accordance with the conditions laid down under

article 131-10.

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ARTICLE 443-8

Legal persons may incur criminal liability for the offences set out under the present Chapter pursuant to the

conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine in the manner prescribed under article 131-38;

2° the penalties referred to under article 131-39;

3° confiscation, pursuant to the conditions set out under article 443-6.

The prohibition referred to under 2° of article 131-39 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

CHAPTER IV

FORGERY OF THE GOVERNMENT'S OFFICIAL MARKS Articles 444-1 to 444-9

ARTICLE 444-1

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The counterfeiting or forgery of the seal of the State, of national stamps, or of hallmarks used to mark gold, silver or

platinum, and the use of such counterfeit or forged seals stamps or hallmarks is punished by ten years' imprisonment

and a fine of €150,000.

ARTICLE 444-2

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The unlawful use of the seal of the State, or of national stamps or hallmarks used to mark gold, silver or platinum is

punished by seven years' imprisonment and a fine of €100,000.

ARTICLE 444-3

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002;

Act no. 99-574 of 9th July 1999 Article 101 Official Journal 10 July 1999)

A penalty of five years' imprisonment and a fine of €75,000 is incurred by:

1° counterfeiting or forging seals stamps or marks of a public body, or the use of such counterfeit or forged seals

stamps or marks;

2° counterfeiting or forging headed papers or official forms used in the assemblies instituted by the Constitution, by

public bodies or courts, as well as the sale or circulation, and also the use of such counterfeit or forged papers or forms;

3° counterfeiting or forging identification marks or marks certifying the intervention of inspectorate or sanitary

supervision services of France or of a foreign country.

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ARTICLE 444-4

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002;

Act no. 99-574 of 9 July 1999)

The unlawful use of seals, marks, stamps papers or forms showing the intervention of the inspectorate or sanitary

supervisions services referred to in article 444-3 is punished by three years' imprisonment and a fine of €45,000.

ARTICLE 444-5

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The manufacture, sale, distribution or use of printed documents which so closely resemble papers carrying a

heading or with official forms used in the assemblies instituted by the Constitution, public bodies or courts of law as to be

liable to cause a mistake in the mind of the public is punished by one year's imprisonment and a fine of €15,000.

ARTICLE 444-6

Attempt to commit the misdemeanours referred to under the present Chapter is subject to the same penalties.

ARTICLE 444-7

Natural persons convicted of the felonies or misdemeanours referred to under the present Chapter also incur the

following additional penalties:

1° forfeiture of civic, civil and family rights pursuant to the conditions set out under article 131-26

2° prohibition to hold public office or to undertake a social or professional activity pursuant to the conditions set out

under article 131-27;

3° disqualification from public tenders;

4° confiscation of the thing which was used or intended for the commission of the offence or of the thing which is the

product of it, except for articles which may be subject to restitution.

The confiscation of the corpus delicti is mandatory in every case. It entails handing over the thing seized to the

public administration for the purpose of a possible destruction.

ARTICLE 444-8

Any alien convicted of any of the offences referred to under the present Chapter may be banished from French

territory either permanently or for a maximum period of ten years, pursuant to the conditions laid down under article

131-10.

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ARTICLE 444-9

Legal persons may incur criminal liability for the offences referred to under the present Chapter pursuant to the

conditions set out under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties referred to under article 131-39;

3° confiscation, pursuant to the conditions set out under article 444-7.

The prohibition referred to under 2° of article 131-39 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

CHAPTER V

CORRUPTION OF PERSONS NOT HOLDING A PUBLIC FUNCTION. Articles 445-1 to 445-4

SECTION I

Passive and active corruption of persons not holding a public function Articles 445-1 to 445-4

ARTICLE 445-1

(Inserted by Act no. 2005-750 of 4th July 2005 Article 3 Official Journal of 6th July 2005)

Making or tendering, at any time, directly or indirectly, offers, promises, gifts, presents or any other advantages, to

obtain from a person who, not being a public official or charged with a public service mission, holds or occupies, within

the scope of his professional or social activity, a management position or any occupation for any person, whether natural

or legal, or any other body, the performance or non-performance of any act within his occupation or position or facilitated

by his occupation or position, in violation of his legal, contractual and professional obligations, is punished by five years'

imprisonment and a fine of €75,000.

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The same penalties apply to giving in to any person referred to in the above paragraph who solicits, at any time,

directly or indirectly, offers, promises, gifts, presents or any other advantages, to carry out or refrain from carrying out

any act referred to in the above paragraph, in violation of his legal, contractual or professional obligations.

ARTICLE 445-2

(Inserted by Act no. 2005-750 of 4th July 2005 Article 3 Official Journal of 6th July 2005)

Any person who, not being a public official or carrying on a public service mission, but holding or carrying on, in the

context of a professional or social activity, any management position or any occupation for any person, whether natural

or legal, or any other body, solicits or accepts, at any time, directly or indirectly, promises, gifts, presents or any

advantages in order to carry out or refrain from carrying any act within his occupation or position or facilitated by his

occupation or position, in violation of his legal, contractual and professional obligations, is punished by five years'

imprisonment and a fine of €75,000.

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ARTICLE 445-3

(Inserted by Act no. 2005-750 of 4th July 2005 Article 3 Official Journal of 6th July 2005)

Natural persons found guilty of the offences set out in article 445-1 and 445-2 also incur the following additional

penalties:

1º: Forfeiture of civic, civil and family rights as set out in article 131-26;

2º: the prohibition to carry on the professional or social activity in the exercise or the context of which the offence

was committed, for a maximum of five years.

3º: the confiscation, according to the conditions set out in article 131-21, of the thing which was used or intended for

the commission of the offence or of the thing which is its product, except for articles subject to restitution;

4º: the display or dissemination of the decision according to the conditions set out in article 131-35.

ARTICLE 445-4

(Inserted by Act no. 2005-750 of 4th July 2005 Article 3 Official Journal of 6th July 2005)

Legal persons can be held criminally liable, according to the conditions set out in article 121-2, for offences defined

by article 445-1 and 445-2.

The penalties incurred by legal persons are:

1º: a fine according to the conditions set out in article 131-38;

2º: the penalties referred to in 2º, 3º, 4º, 5º, 6º and 7º of article 131-39 for a maximum of five years.

The prohibition referred to in 2º of article 131-39 concerns the activity in the exercise or the context of which the

offence was committed;

3º: the confiscation, according to the conditions set out in article 131-21, of the thing which was used or intended for

the commission of the offence or of the thing which is its product, except for articles subject to restitution;

4º: the display or the dissemination of the decision according to the conditions set out in article 131-35.

SECTION II

additional penalties applicable to natural persons and criminal

responsibility of legal persons

TITLE V

PARTICIPATION IN A CRIMINAL ASSOCIATION Articles 450-1 to 450-5

ARTICLE 450-1

(Act no. 2001-420 of 15th May 2001 Article 45 Official Journal 16 May 2001; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

A criminal association consists of any group formed or any conspiracy established with a view to the preparation,

marked by one or more material actions, of one or more felonies, or of one or more misdemeanours punished by at least

five years' imprisonment.

Where the offences contemplated are felonies or misdemeanours punished by ten years' imprisonment, the

participation in a criminal association is punished by ten years' imprisonment and a fine of €150,000.

Where the offences contemplated are misdemeanours punished by at least five years' imprisonment, the

participation in a criminal association is punished by five years' imprisonment and a fine of €75,000.

ARTICLE 450-2

Any person who has participated in the group or the conspiracy defined by article 450-1 is exempted from

punishment if, before any prosecution is instituted, he discloses the existence of the group or conspiracy to the

competent authorities and enables the other participants to be identified.

ARTICLE 450-2-1

(Act no. 2001-420 of 15th May 2001 Article 45 Official Journal 16 May 2001; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

The inability by a person to justify an income corresponding to his way of life, while being habitually in contact with

persons engaged in activities set out under article 450-1, is punished by five years' imprisonment and a fine of €75,000.

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ARTICLE 450-3

Natural persons convicted of the offence referred to under articles 450-1 also incur the following additional

penalties:

1° forfeiture of civic, civil and family rights, pursuant to the conditions set out under article 131-26

2° prohibition to hold public office or to undertake a social or professional activity in the course of which or on the

occasion of the performance of which the offence was committed pursuant to the conditions set out under article 131-27;

3° area banishment pursuant to the conditions under article 131-31.

The other additional penalties incurred for the felonies or misdemeanours that the group or conspiracy was

designed to commit may also be pronounced against such persons.

ARTICLE 450-4

(Act no. 98-468 of 17 June 1998 Article 22 Official Journal 18 June 1998)

Legal persons may incur criminal liability pursuant to the conditions set out under article 121-2 for the offence

provided for under article 450-1.

The penalties incurred by legal persons are:

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1° a fine, in the manner prescribed to under Article 131-38;

2° the penalties referred to under article 131-39.

The prohibition referred to under 2° of article 131-39 applies to the activities in the course of which or on the

occasion of the performance of which the offence was committed.

ARTICLE 450-5

(Inserted by Act no. 2004-204 of 9 March 2004 article 6 XV Official Journal of 10 March 2004)

Natural and legal persons convicted of the offences set out under the second paragraph of article 450-1 and article

450-2-1 also incur the additional penalty of confiscation of all or part of their assets, whatever their nature, movable or

immovable, severally or jointly owned.

BOOK V

OTHER FELONIES AND MISDEMEANOURS Articles 511-1 to 521-2

TITLE I

OFFENCES AGAINST PUBLIC HEALTH Articles 511-1 to 511-28

CHAPTER I

OFFENCES AGAINST BIOMEDICAL ETHICS Articles 511-1 to 511-28

SECTION I

PROTECTION OF THE HUMAN SPECIES Articles 511-1 to

511-1-2

ARTICLE 511-1

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994)

(Act no. 2004-800 of 6 August 2004 Article 28 II Official Journal of 7 August 2004)

The abstraction of cells with a view to causing the birth of a child genetically identical to another person living or

deceased is punished by ten years' imprisonment and a fine of €150,000.

ARTICLE 511-1-1

(Act no. 2004-800 of 6 August 2004 Article 28 II Official Journal of 7 August 2004)

Where the misdemeanour under article 511-1 is committed abroad by a French national or by a person who

habitually resides on French territory, French law is applicable notwithstanding the second paragraph of article 113-6

and the provisions of the second paragraph of article 113-8 do not apply.

ARTICLE 511-1-2

(Act no. 2004-800 of 6 August 2004 Article 28 II Official Journal of 7 August 2004)

It is an offence punishable by three years imprisonment and a fine of €45,000 to incite another person, whether by

gifts, promises, threats, orders or abuse of authority or power, to abstract cells or gametes with the aim of causing the

birth of a child genetically identical to another person living or deceased.

The same penalties apply to propaganda or advertising, in whatever form, in favour of eugenic practices or

reproductive cloning.

SECTION II

OF THE PROTECTION OF THE HUMAN BODY Articles 511-2 to

511-8-2

ARTICLE 511-2

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

Procuring from another person any of his organs in return for a payment, in whatever form, is punished by seven

years' imprisonment and a fine of €100,000.

The same penalties apply to acting as an intermediary to facilitate the obtaining of an organ for payment, or the

supply for payment of an organ belonging to another person's body.

The same penalty is applicable where the organ procured in the conditions referred to under the first paragraph

comes from a foreign country.

ARTICLE 511-3

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002; Act no. 2004-800 of 6 August 2004 Article 28 II

Official Journal of 7 August 2004)

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The removal of an organ from a living adult without obtaining the person's consent pursuant to the conditions set out

by article L. 671-3 of the Public Health Code, or without authorisation being provided under paragraphs two and five of

that provision, is punished by seven years' imprisonment and a fine of €100,000, even when done for therapeutic

purposes,.

The same penalties apply to the removal of an organ from a living minor donor, or a living adult donor who is the

subject of a protective guardianship order, without complying with the conditions referred to under articles L. 671-4 and

L. 671-5 of the Public Health Code.

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ARTICLE 511-4

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

Procuring from another person human organic tissues, cells or body products in return for payment in whatever form

is punished by five years' imprisonment and a fine of €75,000.

The same penalties apply to acting of as an intermediary to facilitate the procuring of human organic tissues, cells

or human products in return for any form of payment, or supplying human organic tissues, cells or products of the body

of others for payment.

ARTICLE 511-5

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002; Act no. 2004-800 of 6 August 2004 Article 28 II

Official Journal of 7 August 2004)

The removal of human organic tissues or cells, or the collection of a bodily product, from a living adult who has not

expressed his consent as provided for by article L. 1241-1 of the Public Heath Code is punished by five years'

imprisonment and a fine of €75,000.

The removal from a living minor or from a living adult who is the subject of a protective guardianship order of any

red blood-producing cells from the bone marrow without complying with the conditions laid down by, as applicable,

articles L. 1241-3 or L. 1241-4 of the Public Health Code, is punished by seven years' imprisonment and a fine of

€100,000.

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ARTICLE 511-5-1

(Inserted by Act no. 2004-800 of 6 August 2004 Article 28 II Official Journal of 7 August 2004)

The taking of samples for scientific purposes from a deceased person without having transmitted the protocol

required by article L. 1232-3 of the Public Health Code is punished by two years' imprisonment and a fine of €30,000.

The same penalties apply to using a protocol that has been suspended or forbidden by the Minister responsible for

research.

ARTICLE 511-5-2

(Inserted by Act no. 2004-800 of 6 August 2004 Article 28 II Official Journal of 7 August 2004 rectifying Official Journal

of 27 november 1998)

I. It is an offence punishable by five year's imprisonment and a fine of €75,000 to keep and transform for scientific

purposes, including purposes of genetic research, any organs, tissue, cells or blood, or its components or products

derived from it:

1° without having made in respect of it the preliminary declaration required by article L. 1243-3 of the Public Health

Code;

2° where the Minister responsible for research has objected to these activities, or has suspended them, or forbidden

them.

II. The same penalties apply to keeping or transforming any organs, tissue, cells or blood, or its components or

products derived from it, with a view to handing them over for scientific use, including purposes of genetic research,

without having first obtained the authorisation required by article L. 1243-3 of the Public Health Code, or when this

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authorisation has been suspended or withdrawn.

ARTICLE 511-6

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994, Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force the 1 January 2002)

The collection or removal of gametes from a living person without his written consent is punished by five years'

imprisonment and a fine of €75,000.

ARTICLE 511-7

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002; Law no. 2004-800 of 6 August 2004 Article 15

4° Official Journal of 7 August 2004)

Taking samples from organs or grafts from organs, or taking samples of tissue or cells, grafting tissue or

administering cellular therapy products, or keeping or transforming tissues or cellular therapy products, in an

establishment that has not obtained the authorisation required by articles L. 1233-1, L. 1234-2, L. 1242-1, L. 1243-2 or

L. 1243-6 of the Public Health Code, or after such authorisation has been suspended or withdrawn, is punished by two

years' imprisonment and a fine of €30,000.

ARTICLE 511-8

(Act no. 98-535 of 1st July 1998 Article 19 Official Journal 2 July 1998; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002; Law no. 2004-800 of 6 August 2004 Article 15

5° Official Journal of 7 August 2004)

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The distribution or transfer of organs, tissues, or cell therapy products for therapeutic purposes, or of human

products with a view to donation, when the sanitary security rules imposed by the provisions of Article L. 1211-6 of the

Public Health Code have not been complied with, is punished by two years' imprisonment and a fine of €30,000.

ARTICLE 511-8-1

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(Act no. 98-535 of 1st July 1998 Article 19 Official Journal 2 July 1998; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002; Law no. 2004-800 of 6 August 2004 Article 15

6° Official Journal of 7 August 2004)

Distributing or transferring tissues or cell therapy products intended for cell therapy in breach article L. 1243-5 of the

Public Health Code is punished by two years' imprisonment and a fine of €30,000.

ARTICLE 511-9

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

Obtaining gametes for payment in whatever form, other than payment for services rendered by institutions carrying

out the preparation and the conservation of such gametes, is punished by five years' imprisonment and a fine of

€75,000.

The same penalties apply to acting as an intermediary to facilitate the procuring of gametes for payment in whatever

form, or the supplying to third parties, for payment, of gametes provided by donation.

ARTICLE 511-10

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

The disclosure of information making it possible to identify both the person or couple who have donated gametes,

and the couple that have received them, is punished by two years' imprisonment and a fine of €30,000.

ARTICLE 511-11

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January

2002)

The collecting or removal of gametes from a living person with a view to carrying out a medically assisted

procreation without testing for transmissible diseases as required by article L. 665-15 of the Public Health Code is

punished by two years' imprisonment and a fine of €30,000.

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ARTICLE 511-12

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

Carrying out artificial insemination using fresh sperm or a mixture of sperm supplied contrary to article L. 673-3 of

the Public Health Code is punished by two years' imprisonment and a fine of €30,000.

ARTICLE 511-13

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

Conditioning the benefit of a donation of gametes to the designation by the receiving couple of a person who has

voluntarily accepted to make such a donation in favour of a third-party couple in breach of article L. 673-7 of the Public

Health Code is punished by two years' imprisonment and a fine of €30,000.

ARTICLE 511-14

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

Collecting, handling, preserving or transferring gametes supplied by way of donation without having obtained the

necessary authorisation required by article L. 673-5 of the Public Health Code is punished by two years' imprisonment

and a fine of €30,000.

ARTICLE 511-8-2

(Act no. 98-535 of 1st July 1998 Article 19 Official Journal 2 July 1998; Law no. 2004-800 of 6 August 2004 Article 15 7°

Official Journal of 7 August 2004)

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Importing or exporting organs, tissues, cells or cell therapy products in breach of the rules made for the application

of articles L. 1235-1 and L. 1245 of the Public Health Code is punished by five ears' imprisonment and a fine of €30,000.

SECTION III

OF THE PROTECTION OF THE HUMAN EMBRYO Articles 511-15 to

511-25

ARTICLE 511-15

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

Procuring human embryos in return for any form of payment is punished by seven years' imprisonment and a fine of

€100,000.

The same penalties apply to acting of as an intermediary to facilitate the procuring of human embryos in return for

any form of payment, and the supply, for consideration, of human embryos to third parties.

ARTICLE 511-16

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002; Law no. 2004-800 of 6 August 2004 Article 28 II

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PENAL CODE

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Obtaining human embryos without complying with the conditions set out under articles L. 2141-5 and L. 2141-6 of

the Public Health Code is punished by seven years' imprisonment and a fine of €100,000.

ARTICLE 511-17

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002;(Law no. 2004-800 of 6 August 2004 Article 28 II

Official Journal of 7 August 2004)

The in vitro conception or creation by cloning of human embryos for industrial or commercial purposes is punished

by seven years' imprisonment and a fine of €100,000.

The same penalties apply to the use of human embryos for industrial or commercial purposes.

ARTICLE 511-18

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002; Law no. 2004-800 of 6 August 2004 Article 28 II

5° Official Journal of 7 August 2004)

The in vitro conception or creation by cloning of human embryos for the purposes of research or experimentation is

punished by seven years' imprisonment and a fine of €100,000.

ARTICLE 511-18-1

(Inserted by Law no. 2004-800 of 6 August 2004 Article 28 II 6° Official Journal of 7 August 2004)

The creation by cloning of human embryos for therapeutic purposes is punished by seven years' imprisonment and

a fine of €100,000.

ARTICLE 511-19

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002; Law no. 2004-800 of 6 August 2004 Article 28 II

7° Official Journal of 7 August 2004)

I. Carrying out studies or research on a human embryo:

1° without having previously obtained the written consent and authorisation mentioned in article L. 2151-5 of the

Public Health Code, or when this authorisation has been withdrawn or suspended, or the consent has been revoked;

2° without complying with the statutory and regulatory requirements or those stated in the authorisation,

is punished by seven years imprisonment and a fine of €100,000.

II. Carrying out studies or research on embryonic stem cells

1° without having previously obtained the written consent and authorisation mentioned in article L. 2151-5 of the

Public Health Code, or when this authorisation has been withdrawn or suspended, or the consent has been revoked;

2° without complying with the statutory and regulatory requirements or those stated in the authorisation,

is punished by seven years' imprisonment and a fine of €100,000.

ARTICLE 511-20

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

The making of an ante-natal diagnosis without having received the authorisation referred to under Article L. 162-16

of the Public Health Code is punished by two years' imprisonment and a fine of €30,000.

ARTICLE 511-21

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

Failure to observe the provisions of article L. 162-17 of the Public Health Code concerning pre-implantation

diagnosis is punished by two years' imprisonment and a fine of €30,000.

ARTICLE 511-22

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002; Law no. 2004-800 of 6 August 2004 Article 28 II

12° Official Journal of 7 August 2004)

Carrying out medically assisted procreations without having obtained the authorisation set out under article L.

2142-1 of the Public Health Code or without complying with the requirements of such an authorisation is punished by

two years' imprisonment and a fine of €30,000.

ARTICLE 511-23

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

Article 3 Official Journal of 22 September 2000 in force 1 January 2002; Law no. 2004-800 of 6 August 2004 Article 28 II

13° Official Journal of 7 August 2004)

Bringing human embryos into a place regulated by the Public Health Code, or removing them from such a place,

without the authorisation required by article L. 2141-9 of the Public Health Code is punished by three years'

imprisonment and a fine of €45,000.

ARTICLE 511-24

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994; Ordinance no. 2000-916 of 19 September 2000

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Article 3 Official Journal of 22 September 2000 in force 1 January 2002)

Carrying out medically assisted procreations for other purposes than those set out under article L. 152-2 of the

Public Health Code is punished by five years' imprisonment and a fine of €75,000.

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ARTICLE 511-25

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 in force 1 January 2002;

Law no. 2004-800 of 6 August 2004 Article 28 II 14° Official Journal of 7 August 2004)

I. Carrying out the activities necessary to implant a human embryo in the circumstances set out by article L. 2141-6

of the Public Health Code:

1° without having previously ensured that the judicial authorisation required by the second paragraph of the

aforesaid article has been obtained;

2° or without being informed of the results of tests to detect infectious illnesses required by the sixth paragraph of

the same article;

3° or outside an establishment authorised in accordance with the provisions of the seventh paragraph of the same

article,

is punished by two years' imprisonment and a fine of €30,000.

II. The same penalties apply to the disclosure of personal information enabling the identification of both the couple

who have renounced an embryo and the couple who have received it.

SECTION IV

OF OTHER PROVISIONS AND ADDITIONAL PENALTIES APPLICABLE

TO NATURAL PERSONS AND LIABILITY OF LEGAL PERSONS

Articles 511-26 to

511-28

ARTICLE 511-26

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994)

(Act no. 20004-800 of 6 August 2004 article 28 II 14 ° Official Journal of 7 August 2004)

Attempt to commit the misdemeanours referred to under articles 511-2, 511-3, 511-4, 511-5, 511-5-1, 511-5-2,

511-6, 511-9, 511-15, 511-16 and 511-19 is subject to the same penalties.

ARTICLE 511-27

(Act no. 94-653 of 29 July 1994 Article 9 Official Journal 30 July 1994)

Natural persons convicted of the offences referred to under the present Chapter also incur the additional penalty of

prohibition, for a maximum period of ten years, to undertake the social or professional activity in the course of which or

on the occasion of which the offence was committed.

ARTICLE 511-28

Legal persons may incur criminal liability for the offences referred to under the present Chapter in accordance with

the conditions laid down under article 121-2.

The penalties incurred by legal persons are:

1° a fine, pursuant to the conditions set out under article 131-38;

2° the penalties referred to under article 131-39.

The prohibition referred to under 2° of article 131-39 applies to the activity in the course of which or on the occasion

of the performance of which the offence was committed.

TITLE II

OTHER PROVISIONS Articles 521-1 to 521-2

SINGLE CHAPTER

SERIOUS MALTREATMENT OR ACTS OF CRUELTY TOWARDS ANIMALS Articles 521-1 to 521-2

ARTICLE 521-1

(Act no. 94-653 of 29 July 1994 article 9 Official Journal of 30 July 1994)

(Act no. 99-5 of 6 January 1999 article 22 Official Journal of 7 January 1999)

(Ordinance no. 2000-916 of 19 September article 3 Official Journal of 22 September 2000 in force 1 January 2002)

(Act no. 2004-204 of 9 March 2004 article 50 Official Journal of 10 March 2004)

The unnecessary infliction, in public or otherwise, of serious maltreatment, including sexual maltreatment, towards

or the commission of an act of cruelty on any domestic or tame animal, or any animal held in captivity, is punished by

two years' imprisonment and a fine of €30,000.

As an additional penalty, the court may impose a prohibition, permanent or otherwise, against keeping an animal.

The provisions of the present article are not applicable to bullfights where an uninterrupted local tradition can be

shown. Nor do they apply to cockfights in localities where an uninterrupted tradition can be established.

The penalties set out in the first paragraph apply to the creation of any new centre for holding cockfights.

The same penalties also apply to the abandonment of a domestic or tamed animal, or of an animal held in captivity,

with the exception of animals used for repopulation purposes.

ARTICLE 521-2

Carrying out experiments or experimental scientific research on animals without complying with the provisions laid

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down by Decree of the Conseil d'Etat is punished by the penalties set out under article 511-1.

BOOK VII

PROVISIONS APPLICABLE IN THE OVERSEAS TERRITORIES, IN THE

TERRITORIES OF NEW CALEDONIA AND MAYOTTE

Articles 711-1 to 727-2

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TITLE I

PROVISIONS APPLICABLE IN THE OVERSEAS TERRITORIES, AND IN THE

TERRITORY OF NEW CALEDONIA

CHAPTER I

COMMON PROVISIONS

CHAPTER II

ADAPTATION OF BOOK I

CHAPTER III

ADATATION OF BOOK II

CHAPTER IV

ADAPTATION OF BOOK III

CHAPTER V

ADAPTATION OF BOOK IV

CHAPTER VI

ADAPTATION OF BOOK V

CHAPTER VII

COMMON PROVISIONS

TITLE II

PROVISIONS APPLICABLE IN THE TERRITORIAL COLLECTIVITY OF MAYOTTE Articles 711-1 to 727-2

CHAPTER I

COMMON PROVISIONS Articles 711-1 to 721-2

ARTICLE 711-1

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001)

Apart from the adaptations referred to under the present title, Book one except for article 132-70-1, and Books II to

V of the present Code are applicable in the territories of New Caledonia, French Polynesia and the islands of Wallis and

Futuna.

*Article 222 IV of the Act No. 99-209 of 19th March 1999 pertaining to New Caledonia which lays down:

"IV - In relation to all the legislative and regulatory provisions in force:

1° reference to the territory of New Caledonia is replaced by a reference to New Caledonia;

2° reference to the territorial assembly of New Caledonia is replaced by a reference to the Congress of New

Caledonia;

3° reference to the executive body of New Caledonia is replaced by a reference to the government of New

Caledonia"*

ARTICLE 711-2

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001)

Books I to V of the present Code are applicable to the Southern Territories and the French Antarctic.

ARTICLE 711-3

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001; Ordinance no. 2000-916 of 19 September

2000 into force 1 January 2002)

In New Caledonia, in the territories of French Polynesia and in Wallis and Futuna, financial penalties incurred under

the present code are pronounced in the local currency, taking into account the exchange rate of that currency in relation

to the Euro.

For the enforcement of the present Code in the territories as referred to under article 711-1, the terms listed below

are replaced as follows:"

"department" by "territory"

"prefect" and "sub-prefect" by the "representative of the State in the territory"

Similarly, "references to provisions not applicable in these territories" are replaced by "references to provisions to

similar effect applicable locally".

ARTICLE 721-1

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001)

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Apart from the adaptations referred to under the present title, Book I except for article 132-7-1, and Books II to V of

the present Code are applicable to Mayotte.

ARTICLE 721-2

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001)

For the application of the present Code in Mayotte, the following terms are replaced as follows:

"Tribunal de grande instance" by "Tribunal de première instance";

"Cour d'assises" by "Cour criminelle"

"department" by "territory"

"prefect" and "sub-prefect" by the "representative of the Government"

Similarly, references to provisions not applicable in the collectivity are replaced by references to provisions to similar

effect applicable locally.

CHAPTER II

ADAPTATION OF BOOK I Articles 712-1 to 722-1

ARTICLE 712-1

(Act no. 96-1240 of 30 December 96 Article 2 Official Journal 1 January 1997; Act no. 2001-616 of 11 July 2001 Article

75 Official Journal of 13 July 2001)

The last paragraph of article 131-35 is drafted as follows:

"The dissemination of the decision is by the Official Journal of the Republic, by the Official Journal of the Territory,

by one or more other press publications, or by one or more means of broadcasting. The publications or broadcasting

media entrusted with this circulation are nominated by the court. They may not refuse to carry them".

ARTICLE 712-2

(Act no. 96-1240 of 30 December 96 Article 2 Official Journal 1 January 1997; Act no. 2001-616 of 11 July 2001 Article

75 Official Journal of 13 July 2001)

7° of article 132-45 is drafted as follows:

"7° To abstain from driving certain land vehicles in relation to which a permit is necessary."

ARTICLE 722-1

(Act no. 96-1240 of 30 December 96 Article 2 Official Journal 1 January 1997; Act no. 2001-616 of 11 July 2001 Article

75 Official Journal of 13 July 2001)

7° of article 132-45 is drafted as follows:

"7° to abstain from driving certain land vehicles in relation to which a permit is necessary."

CHAPTER III

ADAPTATION OF BOOK II Articles 713-1 to 723-6

ARTICLE 713-1

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal 22 September 2000 into force 1 January 2002)

The first paragraph of article 223-8 is drafted as follows:

"Practising or causing biomedical research to be practised on a person without having obtained the free, informed

and explicit consent of the person concerned, or that of the holders of parental authority or of the tutor is punished by

three years' imprisonment and a fine of €45,000."

ARTICLE 713-3

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001)

2° and 3° of article 225-3 is drafted as follows:

"2° discrimination based on state or health or handicap, if it consists of a refusal to hire or dismiss based on a

medically established incapacity, according to to the provisions on health at work or the civil service applicable locally;

3 recruitment discrimination based on gender when the fact of being male or female constitutes, according to

provisions locally applicable as regards labour law or the law of the civil service, the determining factor in the exercise of

an employment or professional activity."

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ARTICLE 713-4

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal 22 September 2000 into force 1 January 2002)

- ARTICLE 226-25 is drafted as follows:

"The study of the genetic characteristics of a person for medical purposes without having obtained his prior consent

in writing is punished by one year's imprisonment and a fine of €15,000.

The provisions of the previous paragraph do not apply:

1° where the study is carried out in the context of judicial proceedings;

2° or where, under exceptional circumstances, in the person's interest and in respect for his confidence, the consent

of the latter has not been obtained".

ARTICLE 713-5

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001; Ordinance no. 2000-916 of 19 September

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2000 Article 3 Official Journal 22 September 2000 into force 1 January 2002)

- ARTICLE 226-27 is drafted as follows:

"Researching the identification of a person through his DNA profile for medical purposes without obtaining his prior

consent in writing is punished by one year's imprisonment and a fine of €15,000.

The provisions of the previous paragraph do not apply:

1° where the study is carried out in the context of judicial proceedings;

2° or where, under exceptional circumstances, in the person's interest and in respect for his confidence, the consent

of the latter has not been obtained".

ARTICLE 713-6

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal 22 September 2000 into force 1 January 2002)

- ARTICLE 226-28 is drafted as follows:

"Researching the identification of a person through his DNA profile for purposes neither medical nor scientific, or

other than in an inquiry or investigation made in the course of judicial proceedings, is punished by one year's

imprisonment and a fine of €15,000.

The same penalty applies to the disclosure of information concerning the identification of a person through his DNA

profile or proceeding to the identification of a person through his DNA profile without holding the authorisation provided

under conditions laid down by by Decree in the Conseil d'Etat".

ARTICLE 723-1

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal 22 September 2000 into force 1 January 2002)

The first paragraph of article 223-8 is drafted as follows:

"Practising or causing biomedical research to be practised on a person without having obtained the free, informed

and explicit consent of the person concerned, or that of the holders of parental authority or of the tutor is punished by

three years' imprisonment and a fine of €45,000."

ARTICLE 723-2

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001)

I. 1° of article 223-11 is drafted as follows:

"1° after the expiry of the tenth week of pregnancy, except where it is practised for a therapeutic motive;"

II. 3° of article 223-11 is drafted as follows:

"3° within premises other than a public or a private hospital complying with the conditions applicable locally."

ARTICLE 723-3

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001)

2° and 3 of article 225-3 is drafted as follows:

"2° discrimination based on state or health or handicap, when if it consists of a refusal to hire or dismiss based on a

medically established incapacity, according to the provisions on health at work or the civil service applicable locally;

3° recruitment discrimination based on gender when the fact of being male or female constitutes, according to

provisions locally applicable as regards labour law or the law of the civil service, the determining factor in the exercise of

an employment or professional activity in accordance with the provisions of the Labour Code or of the laws defining the

statutory framework of the public service."

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ARTICLE 723-4

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal 22 September 2000 into force 1 January 2002)

- ARTICLE 226-25 is drafted as follows:

"The study of the genetic characteristics of a person for medical purposes without having obtained his prior consent

in writing is punished by one year's imprisonment and a fine of €15,000.

The provisions of the previous paragraph do not apply:

1° where the study is carried out in the context of judicial proceedings;

2° or where, under exceptional circumstances, in the person's interest and in respect for his confidence, the consent

of the latter has not been obtained".

ARTICLE 723-5

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal 22 September 2000 into force 1 January 2002)

- ARTICLE 226-27 is drafted as follows:

"Researching the identification of a person through his DNA profile for medical purposes without obtaining his prior

consent in writing is punished by one year's imprisonment and a fine of €15,000.

The provisions of the previous paragraph do not apply:

1° where the study is carried out in the context of judicial proceedings;

2° or where, under exceptional circumstances, in the person's interest and in respect for his confidence, the consent

of the latter has not been obtained".

ARTICLE 723-6

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(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001; Ordinance no. 2000-916 of 19 September

2000 Article 3 Official Journal 22 September 2000 into force 1 January 2002)

- ARTICLE 226-28 is drafted as follows:

"Researching the identification of a person through his DNA profile for purposes neither medical nor scientific, or

other than in an inquiry or investigation made in the course of judicial proceedings, is punished by one year's

imprisonment and a fine of €15,000.

The same penalty applies to the disclosure of information concerning the identification of a person through his DNA

profile or proceeding to the identification of a person through his DNA profile without holding the authorisation provided

under conditions laid down by Decree in the Conseil d'Etat".

CHAPTER IV

ADAPTATION OF BOOK III Articles 714-1 to 724-1

ARTICLE 714-1

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

"A building or a or registered movable article classified or registered or protected under the rules applicable locally,

an archaeological discovery made in the course of excavations or fortuitously, land containing archaeological remains,

or an article preserved or deposited in a museum, library or archive belonging to a public body, or to a body discharging

a public service mission or recognised as of public interest".

ARTICLE 724-1

(Act no. 2001-616 of 11TH July 2001 Article 75 Official Journal of 13th July 2001)

"A building or registered movable article classified, registered or protected under the rules applicable locally, an

archaeological discovery made in the course of excavations or fortuitously, land containing archaeological remains, or

an article preserved or deposited in a museum, library or archive belonging to a public body, or to a body discharging a

public service mission or recognised as of public interest".

CHAPTER V

ADAPTATION OF BOOK IV Articles 715-1 to 715-5

ARTICLE 715-1

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

"The production or possession of machines, dangerous or explosive devices, set out under article 3 of the Act of

19th June 1871 which repealed the Decree of 4th September 1870 on the production of military grade weapons;

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- the production, sale, import or export of explosive substances in contravention of the rules applicable locally;

- the purchase, detention, transport or unlawful carrying of explosive substances or of devices made with such

explosive substances in contravention of the rules applicable in the locality;

- the detention, carrying, and transport of weapons and ammunition in breach of the rules applicable locally;

- the offences referred to under articles 1 and 4 of the Act no. 72-467 of 9th June 1972 forbidding the designing,

production, possession, stocking, purchase or sale of biological or toxin-based weapons."

ARTICLE 715-2

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

The second paragraph of article 432-9 is drafted as follows:

"The same penalties apply to the person referred to under the previous paragraph, or an employee of an enterprise

managing a telecommunications system established pursuant to the rules in matters of postal and telecommunication

services applicable locally, or an employee of a supplier of telecommunications services, who, acting in the performance

of his office, orders, commits or facilitates, except where provided by the law, any interception or misappropriation of

correspondence sent, transmitted or received by a means of telecommunication, or the use or disclosure of its contents."

ARTICLE 715-3

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

The last paragraph of Article 432-12 is drafted as follows:

"For the application of the three previous paragraphs, the municipality is represented in accordance with the

conditions laid down under article L. 122-12 of the Municipalities Code and the mayor, deputy or the municipal

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counsellor concerned must abstain from participating in the deliberation of the municipal council regarding the

completion or approval of the contract. Furthermore, notwithstanding the second paragraph of article L. 1.21-15 of the

Municipalities Code as made applicable locally, the municipal council may not decide to meet in camera."

ARTICLE 715-4

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

The fourth paragraph of Article 432-13 is drafted as follows:

"These provisions are applicable to the employees of public corporations, nationalised enterprises, mixed economy

companies in which the State or public bodies hold directly or indirectly more than 50 per cent of the capital, and the

employees of the public operators running the postal and telecommunications public service."

ARTICLE 725-1

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(Act no. 2001-616 of 11TH July 2001 Article 75 Official Journal of 13th July 2001)

"The production or possession of machines, dangerous or explosive devices, set out under article 3 of the Act of

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19th June 1871 which repealed the Decree of 4th September 1870 on the production of military grade weapons;

- the production, sale, import or export of explosive substances in contravention of the rules applicable locally;

- the purchase, detention, transport or unlawful carrying of explosive substances or of devices made with such

explosive substances in contravention of the rules applicable in the locality;

- the detention, carrying, and transport of weapons and ammunition in breach of the rules applicable locally;

- the offences referred to under articles 1 and 4 of the Act no. 72-467 of 9th June 1972 forbidding the designing,

production, possession, stocking, purchase or sale of biological or toxin-based weapons."

ARTICLE 725-2

(Act no. 2001-616 of 11TH July 2001 Article 75 Official Journal of 13th July 2001)

The second paragraph of article 432-9 is drafted as follows:

"The same penalties apply to the person referred to under the previous paragraph, or an employee of an enterprise

managing a telecommunications system established pursuant to the rules in matters of postal and telecommunication

services applicable locally, or an employee of a supplier of telecommunications services, who, acting in the performance

of his office, orders, commits or facilitates, except where provided by the law, any interception or misappropriation of

correspondence sent, transmitted or received by a means of telecommunication, or the use or disclosure of its contents."

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ARTICLE 725-3

(Act no. 2001-616 of 11TH July 2001 Article 75 Official Journal of 13th July 2001)

The last paragraph of article 432-12 is drafted as follows:

"For the application of the three previous paragraphs, the municipality is represented in accordance with the

conditions laid down under article L. 122-12 of the Municipalities Code and the mayor, deputy or the municipal

counsellor concerned must abstain from participating in the deliberation of the municipal council regarding the

completion or approval of the contract. Furthermore, notwithstanding the second paragraph of article L. 1.21-15 of the

Municipalities Code as made applicable locally, the municipal council may not decide to meet in camera."

ARTICLE 725-4

(Act no. 2001-616 of 11TH July 2001 Article 75 Official Journal of 13th July 2001)

The fourth paragraph of article 432-13 is drafted as follows:

"These provisions are applicable to the employees of public corporations, nationalised enterprises, mixed economy

companies in which the State or public bodies holding directly or indirectly more than 50 per cent of the capital, and the

employees of the public operators running the postal and telecommunications public service."

ARTICLE 725-5

(Act no. 2001-616 of 11TH July 2001 Article 75 Official Journal of 13th July 2001)

The provisions of articles 433-20 and 433-21 are not applicable to persons whose civil status is a common law one.

ARTICLE 725-6

(Act no. 2001-616 of 11TH July 2001 Article 75 Official Journal of 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

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- ARTICLE 443-3 is drafted as follows:

"A penalty of one year's imprisonment and a fine of €15,000 is incurred by manufacturing, selling, transporting or

distributing any articles, printed documents or forms which resemble documents of title or other fiduciary securities

issued by the State, local councils, public corporation, or of the public operators running the postal and

telecommunications public service, so as to facilitate the acceptance of such articles, printed documents or forms in lieu

of the securities they resemble."

ARTICLE 715-5

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

- ARTICLE 443-3 is drafted as follows:

"A penalty of one year's imprisonment and a fine of €15,000 is incurred by manufacturing, selling, transporting or

distributing any articles, printed documents or forms which resemble documents of title or other fiduciary securities

issued by the State, local councils, public corporation, or of the public operators running the postal and

telecommunications public service, so as to facilitate the acceptance of such articles, printed documents or forms in lieu

of the securities they resemble."

CHAPTER VI

ADAPTATION OF BOOK V Articles 716-1 to 726-15

ARTICLE 716-1

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000, Article 3 Official Journal of 22 September 2000 coming into force on

1st January 2002)

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- ARTICLE 511-3 is drafted as follows:

"The removal of an organ from a living adult person without obtaining the person's consent or without having

informed him of the risks and consequences of the act is punished by seven years' imprisonment and a fine of €100,000.

The same penalties apply to the removal of an organ from a living adult donor placed under a judicial protective

order. Nevertheless, the removal of bone marrow from a minor in favour or his brother or sister may be authorised by a

medical committee instituted in conformity with the rules applicable locally subject to the consent of each of those vested

with parental authority or the legal representative of the minor.

The consents provided for under the preceding paragraphs are given before the president of the Tribunal of First

Instance or the judge or prosecutor appointed by him. They may be revoked informally at any time.

In the event of emergency, the consent may be received by the Procureur de la République by any means.

The medical committee ensures that the minor was informed of the intended removal in order to enable him to

express his wishes, if capable of doing so. The refusal of the minor is a bar to the removal operation."

ARTICLE 716-2

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

The second paragraph of article 511-5 is drafted as follows:

"The same penalties apply to the removal of human tissues or cells and to the collection of a product from a living

adult donor who is the subject of a protective guardianship order."

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ARTICLE 716-3

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

- ARTICLE 511-7 is drafted as follows:

"The removal or transplant of organs, the removal or grafting of human organic tissues, the preservation or

transformation of human organic tissues or the grafting of cells other than in an institution authorised to that effect is

punished by two years' imprisonment and a fine of €30,000."

ARTICLE 716-4

(Act no. 96-1240 of 30th December 1996 Article 3 Official Journal of 1st January 1997)

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000, Article 3 Official Journal of 22 September 2000 coming into force on

1st January 2002)

- ARTICLE 511-8 is drafted as follows:

"The distribution or transfer, with a view to donation, of organs, human organic tissues, cells or human products

without complying with the sanitary security rules applicable locally is punished by two years' imprisonment and a fine of

€30,000."

ARTICLE 716-5

(Act no. 96-1240 of 30th December 1996 Article 3 Official Journal of 1st January 1997)

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000, Article 3 Official Journal of 22 September 2000 coming into force on

1st January 2002)

- ARTICLE 511-11 is drafted as follows:

"The collecting or removal of gametes from a living person with a view to carrying out a medically assisted

procreation without testing for transmissible diseases as required by regulations locally applicable is punished by two

years' imprisonment and a fine of €30,000."

ARTICLE 716-6

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000, Article 3 Official Journal of 22 September 2000 coming into force on

1st January 2002)

- ARTICLE 511-12 is drafted as follows:

"Proceeding to artificial insemination using fresh sperm or a mixture of sperm provided by donation is punished by

two years' imprisonment and a fine of €30,000."

ARTICLE 716-7

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000, Article 3 Official Journal of 22 September 2000 coming into force on

1st January 2002)

- ARTICLE 511-13 is drafted as follows:

"Conditioning the benefit of a donation of gametes to the choice by the receiving couple of a person who has

voluntarily accepted to make such a donation in favour of a third-party couple is punished by two years' imprisonment

and a fine of €30,000."

ARTICLE 716-8

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000, Article 3 Official Journal of 22 September 2000 coming into force on

1st January 2002)

- ARTICLE 511-14 is drafted as follows:

"Collecting, handling, preserving or transferring gametes supplied by way of donation without having obtained the

necessary authorisation is punished by two years' imprisonment and a fine of €30,000."

ARTICLE 716-9

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000, Article 3 Official Journal of 22 September 2000 coming into force on

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1st January 2002)

- ARTICLE 511-16 is drafted as follows:

"Obtaining human embryos without prior authorisation by judicial authority is punished by seven years'

imprisonment and a fine of €10,000. A judicial authority may grant such leave in exceptional circumstances on

examination of the written consent of the couple that conceived or, where one of the spouses has died, of the surviving

spouse and after having verified that the act does not fall under the provisions of article 511-24 and that the receiving

couple can guarantee the satisfactory reception of the child that will be born."

ARTICLE 716-10

(Act no. 96-1240 of 30th December 1996 Article 5 Official Journal of 1st January 1997)

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000, Article 3 Official Journal of 22 September 2000 coming into force on

1st January 2002)

- ARTICLE 511-19 is drafted as follows:

"The study of or experimentation on embryos is punished by seven years' imprisonment and a fine of €100,000.

The previous paragraph does not apply to a study made, in exceptional circumstances, for medical purposes

provided it does not harm the embryo and concerns an embryo from a couple who have consented in writing following

the favourable advice of the commission instituted in accordance with the conditions laid down by the rules locally

applicable."

ARTICLE 716-11

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000, Article 3 Official Journal of 22 September 2000 coming into force on

1st January 2002)

- ARTICLE 511-20 is drafted as follows:

"The making of an ante-natal diagnosis other than in an institution authorised to that effect is punished by two years'

imprisonment and a fine of €30,000."

ARTICLE 716-12

(Act no. 96-1240 of 30th December 1996 Article 5 Official Journal of 1st January 1997)

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000, Article 3 Official Journal of 22 September 2000 coming into force on

1st January 2002)

- ARTICLE 511-21 is drafted as follows:

"The making of a pre-implantation diagnosis without the certificate of a doctor practising in an institution referred to

under article 511-20 that there is a serious likelihood of the couple giving birth to a child affected by a particularly serious

genetic illness recognised as incurable at the time of the diagnosis is punished by two years' imprisonment and a fine of

€30,000.

Proceeding to a pre-implantation diagnosis:

1° without having received the written consent of both parties;

2° or for purposes other than those of diagnosing, preventing or treating illness;

3° or other than in an institution authorised to that effect;

is subject to the same penalties.

ARTICLE 716-13

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000, Article 3 Official Journal of 22 September 2000 coming into force on

1st January 2002)

- ARTICLE 511-22 is drafted as follows:

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"Carrying out medically assisted procreations other than in an institution authorised to that effect is punished by two

years' imprisonment and a fine of €30,000."

ARTICLE 716-14

(Act no. 96-1240 of 30th December 1996 Article 5 Official Journal of 1st January 1997)

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000, Article 3 Official Journal of 22 September 2000 coming into force on

1st January 2002)

- ARTICLE 511-24 is drafted as follows:

"Five years' imprisonment and a fine of 75,000 is incurred by carrying out medical assistance for procreation where

this not in response to the request of a couple and the benefiting couple does not consist of a living man and woman, of

an age to produce children, married or able to show that they have lived together for more than two years and having

given their prior consent to the transfer of embryos or the artificial insemination.

The same penalty applies to carrying out medical assistance for procreation for any other purpose than as a remedy

for infertility the pathological nature of which has been diagnosed medically, or to prevent the transmission to a child of a

particularly serious disease."

ARTICLE 716-15

(Act no. 96-1240 of 30th December 1996 Article 5 Official Journal of 1st January 1997)

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(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000, Article 3 Official Journal of 22 September 2000 coming into force on

1st January 2002)

- ARTICLE 511-25 is drafted as follows:

"The transfer of an embryo without having ascertained the results of the tests for infectious diseases as required by

provisions in force locally is punished by two years' imprisonment and a fine of €30,000."

ARTICLE 716-16

(Act no. 2001-616 of 11th July 2001, Article 75 Official Journal 13th July 2001)

- ARTICLE 521-2 is drafted as follows:

"Carrying out experiments or experimental or scientific research on animals without complying with the provisions in

force locally is punished by the penalties set out under article 511-1."

ARTICLE 726-1

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

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- ARTICLE 511-3 is drafted as follows:

"The removal of an organ from a living adult person without obtaining the person's consent or without having

informed him of the risks and consequences of the act is punished by seven years' imprisonment and a fine of €100,000.

The same penalties apply to the removal of an organ from a living adult donor placed under a judicial protective

order. Nevertheless, the removal of bone marrow from a minor in favour or his brother or sister may be authorised by a

medical committee instituted in conformity with the rules applicable locally subject to the consent of each of those vested

with parental authority or the legal representative of the minor.

The consents referred to in the paragraphs above are given before the president of the Tribunal of First Instance or

the judge or prosecutor appointed by him. They may be revoked informally at any time.

In the event of emergency, the consent may be received by the Procureur de la République by any means.

The medical committee ensures that the minor was informed of the intended removal in order to enable him to

express his wishes, if capable of doing so. The refusal of the minor is a bar to the removal operation."

ARTICLE 726-2

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001)

The second paragraph of article 511-5 is drafted as follows:

"The same penalties apply to the removal of human tissues or cells and to collecting a product from a living adult

donor who is the subject of a protective guardianship order."

ARTICLE 726-3

(Act no. 96-1240 of 30th December 1996 Article 10 Official Journal 1st January 1997)

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

- ARTICLE 511-7 is drafted as follows:

"The removal or transplant of organs, the removal or grafting of human organic tissues, the preservation or

transformation of human organic tissues or the grafting of cells other than in an institution authorised to that effect is

punished by two years' imprisonment and a fine of €30,000."

ARTICLE 726-4

(Act no. 96-1240 of 30th December 1996 Article 10 Official Journal 1st January 1997)

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

- ARTICLE 511-8 is drafted as follows:

"The distribution or transfer, with a view to donation, of organs, human organic tissues, cells or human products

without complying with the sanitary security rules applicable locally is punished by two years' imprisonment and a fine of

€30,000."

ARTICLE 726-5

(Act no. 96-1240 of 30 December 1996 Article 10 Official Journal 1 January 1997)

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

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- ARTICLE 511-11 is drafted as follows:

"The collecting or removal of gametes from a living person with a view to carrying out a medically assisted

procreation without testing for transmissible diseases required by regulations locally applicable is punished by two years'

imprisonment and a fine of €30,000."

ARTICLE 726-6

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 1h July 2001)

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(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

- ARTICLE 511-12 is drafted as follows:

"Proceeding to artificial insemination using fresh sperm or a mixture of sperm provided by donation is punished by

two years' imprisonment and a fine of €30,000."

ARTICLE 726-7

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 1h July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

- ARTICLE 511-13 is drafted as follows:

"Conditioning the benefit of a donation of gametes to the choice by the receiving couple of a person who has

voluntarily accepted to make such a donation in favour of a third-party couple is punished by two years' imprisonment

and a fine of €30,000."

ARTICLE 726-8

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 1h July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

- ARTICLE 511-14 is drafted as follows:

"Collecting, handling, preserving or transferring gametes supplied by way of donation without having obtained the

necessary authorisation is punished by two years' imprisonment and a fine of €30,000."

ARTICLE 726-9

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 1h July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

- ARTICLE 511-16 is drafted as follows:

"Obtaining human embryos without prior authorisation by judicial authority is punished by seven years'

imprisonment and a fine of €10,000. A judicial authority may grant such leave in exceptional circumstances on

examination of the written consent of the couple that conceived or, where one of the spouses has died, of the surviving

spouse and after having verified that the act does not fall under the provisions of article 511-24 and that the receiving

couple can guarantee the satisfactory reception of the child that will be born.

The act of obtaining a human embryo:

- where the anonymity between the couple receiving the embryo and the one renouncing it has not been respected;

- or where the couple receiving the embryo are not in a situation where medical assistance in procreation without

recourse to a third party would not succeed;

is also punished by seven years' imprisonment and a fine of €100,000

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ARTICLE 726-10

(Act no. 96-1240 of 30 December 1996 Article 10 Official Journal 1st January 1997)

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 1h July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

- ARTICLE 511-19 is drafted as follows:

"The study of or experimentation on embryos is punished by seven years' imprisonment and a fine of €100,000.

The previous paragraph does not apply to a study made, in exceptional circumstances, for medical purposes

provided it does not harm the embryo and concerns an embryo from a couple who have consented in writing following

the favourable advice of the commission instituted in accordance with the conditions laid down by the rules locally

applicable."

ARTICLE 726-11

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 1h July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force the 1st

January 2002)

- ARTICLE 511-20 is drafted as follows:

"The making of an ante-natal diagnosis other than in an institution authorised to that effect is punished by two years'

imprisonment and a fine of €30,000."

ARTICLE 726-12

(Act no. 96-1240 of 30 December 1996 Article 10 Official Journal 1st January 1997)

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 1h July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force the 1 January

2002)

- ARTICLE 511-21 is drafted as follows:

"LThe making of a pre-implantation diagnosis without the certificate of a doctor practising in an institution referred to

under article 511-20 that there is a serious likelihood of the couple giving birth to a child affected by a particularly serious

genetic illness recognised as incurable at the time of the diagnosis is punished by two years' imprisonment and a fine of

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€30,000.

Proceeding to a pre-implantation diagnosis:

1° without having received the written consent of both parties;

2° or for purposes other than those of diagnosing, preventing or treating illness;

3° or other than in an institution authorised to that effect is subject to the same penalties.

ARTICLE 726-13

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 1h July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

- ARTICLE 511-22 is drafted as follows:

"Carrying out medically assisted procreations other than in an institution authorised to that effect is punished by two

years' imprisonment and a fine of €30,000."

ARTICLE 726-14

(Act no. 96-1240 of 30 December 1996 Article 10 Official Journal t January 1997)

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 1h July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

- ARTICLE 511-24 is drafted as follows:

"LFive years' imprisonment and a fine of €75,000 is incurred by carrying out medical assistance for procreation

where this not in response to the request of a couple and the benefiting couple does not consist of a living man and

woman, of an age to produce children, married or able to show that they have lived together for more than two years

and having given their prior consent to the transfer of embryos or the artificial insemination.

The same penalty applies to carrying out medical assistance for procreation for any other purpose than as a remedy

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for infertility the pathological nature of which has been diagnosed medically, or to prevent the transmission to a child of a

particularly serious disease."

ARTICLE 726-15

- ARTICLE 511-25 is drafted as follows:

"The transfer of an embryo without having ascertained the results of the tests for infectious diseases as required by

provisions in force locally is punished by two years' imprisonment and a fine of €30,000."

CHAPTER VII

COMMON PROVISIONS Articles 717-1 to 727-2

ARTICLE 717-1

(Act no. 2001-616 OF 11TH July 2001 Article 75 Official Journal of 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

A director or employee who requests or accepts, directly or indirectly, unknown to his employer or without his

authorisation, any offer, promise, donation, gift, discount or reward for performing or abstaining from performing an act

pertaining to his function is punished by two years' imprisonment and a fine of €30,000.

The same penalty is incurred by anyone who accedes to the requests referred to in the preceding paragraph, or

who initiates them.

In the cases covered by the present article, the court may also impose, as an additional sentence, the prohibition of

civic, civil and family rights provided under article 131-26 for period of up to five years.

ARTICLE 717-2

(Act no. 2001-616 of 11TH July 2001 Article 75 Official Journal of 13th July 2001)

(Ordinance no. 2000-916 of 19 September 2000 Article 3 Official Journal of 22 September 2000 into force 1 January

2002)

Publishing, by any means, false or calumnious information, putting on the market offers intended to upset the

market price, or to upset price levels, or offers above the price required by sellers, or the use any other fraudulent

means to cause or attempt to cause an artificial rise or fall in the price of goods or services or public or private assets, is

punished by two years' imprisonment and a fine of €30,000.

Where the rise or fall of the prices involves foodstuffs, the penalty is increased to three years' imprisonment and a

fine of €45,000.

Natural persons convicted of the offences provided by the present article also incur the following additional

penalties:

1° forfeiture of civic, civil and family rights pursuant to the conditions set out under article 131-26;

2° the public display or dissemination of the decision in accordance with the conditions set out under article 131-35.

ARTICLE 717-3

(Act no. 2001-616 of 11 July 2001 Article 75 Official Journal of 13 July 2001)

Legal persons may incur criminal liability pursuant to the conditions set out under article 121-2 for offences set out

under the previous paragraph.

The penalties incurred by legal persons are:

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1° A fine, in the manner prescribed to under article 131-38;

2° the penalties referred to under 2°, 3°, 4° 5°, 6° and 9° of article 131-39.

The prohibition specified under 2° of article 131-39 relates to the activities in the course of which or on the occasion

of the performance of which the offence was committed.

ARTICLE 727-1

A director or employee who requests or accepts, directly or indirectly, unknown to his employer or without his

authorisation, any offer, promise, donation, gift, discount or reward for performing or abstaining from performing an act

pertaining to his function is punished by two years' imprisonment and a fine of €30,000.

The same penalty is incurred by anyone who accedes to the requests referred to in the preceding paragraph, or

who initiates them.

In the cases covered by the present article, the court may also impose, as an additional sentence, the prohibition of

civic, civil and family rights provided accedes to article 131-26 for period of up to five years.

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ARTICLE 727-3

Legal persons may incur criminal liability pursuant to the conditions set out under article 121-2 for offences set out

under the previous paragraph.

The penalties incurred by legal persons are:

1° a fine, in the manner prescribed to under article 131-38;

2° the penalties referred to under 2°, 3°, 4° 5°, 6° and 9° of article 131-39.

The prohibition specified under 2° of article 131-39 relates to the activities in the course of which or on the occasion

of the performance of which the offence was committed.

ARTICLE 727-2

Publishing, by any means, false or calumnious information, putting on the market offers intended to upset the

market price, or to upset price levels or offers above the price required by sellers, or the use any other fraudulent means

to cause or attempt to cause an artificial rise or fall in the price of goods or services or public or private assets, is

punished by two years' imprisonment and a fine of €30,000.

Where the rise or fall of the prices involves foodstuffs, the penalty is increased to three years' imprisonment and a

fine of €45,000.

Natural persons convicted of the offences provided by the present article also incur the following additional

penalties:

1° forfeiture of civic, civil and family rights pursuant to the conditions set out under article 131-26;

2° the public display or dissemination of the decision in accordance with the conditions set out under article 131-35.

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