

**LAW No. 167 of 16 JULY 1997**

**OF THE REPUBLIC OF KAZAKHSTAN**

**THE CRIMINAL CODE OF THE REPUBLIC OF KAZAKHSTAN**

*Latest amendment:*

*17) Law №10 of 9<sup>th</sup> December 2004 of the Republic of Kazakhstan. Concerning the Introduction of amendments and additions to the Criminal, Criminal Procedural? Criminal Executive codes of the Republic of Kazakhstan on issues of simplification of procedures for investigation of criminal cases, decriminalization of certain corpora delicti and improvement of the legislation concerning administrative violations.*

**Section I. Criminal Law**

**Article 1. Criminal Legislation of the Republic of Kazakhstan**

1. The criminal legislation of the Republic of Kazakhstan shall consist exclusively of the present Code of the Republic of Kazakhstan. Other laws which stipulate criminal liability shall only be subject to application after their inclusion into the present Code.
2. The present Code is based on the Constitution of the Republic of Kazakhstan and generally accepted principles and norms of international law.

**Article 2. Objectives of the Criminal Code**

1. Objectives of the Criminal Code shall be as follows: the protection of the rights, freedoms, and legitimate interests of individuals and of citizens, as well as of property, rights, and legitimate interests of organizations, public order and safety, the environment, constitutional order, and territorial integrity of the Republic of Kazakhstan, the interests of society and the state protected by law from criminal infringements, the protection of the peace and safety of mankind, as well as the prevention of crimes.
2. For the implementation of these objectives, the present Code establishes the bases for criminal liability, and defines what acts, which are dangerous for a person, society, or the state, shall be recognised as crimes, and establishes punishments and other measures of criminal-legal retribution for their commission.

**Article 3. The Basis for Criminal Liability**

The only basis for criminal liability shall be the commission of a crime, that is, an act which has all of the attributes of a legally defined crime stipulated by the present Code. No one can be subject to repeated criminal liability for one and the same crime.

**Article 4. The Action of the Criminal Code in Time**

The criminality and punishability of an act shall be defined by the law which was in effect during the time of the commission of that crime. The time of the commission of a socially

dangerous act (failure to act), irrespective of the time of the emergence of consequences, shall be recognised as the time of the commission of a given crime.

#### **Article 5. Retroactivity of Criminal Law**

1. A law which eliminates the criminality or punishability of a given act, and which mitigates liability or punishment for it, or which otherwise improves the status of a person who committed it, shall have retroactive force, that is, it shall apply to persons who committed relevant crimes prior to its introduction into effect, including persons who are serving their terms, or have served but still had a conviction on their record.

2. If a new criminal law mitigates punishability of a given act for which a person is serving a term, then the appointed punishment shall be subject to reduction within the sanctions of that newly adopted criminal law.

3. A law, which establishes criminality or punishability of an act, which increases liability or punishment, or otherwise deteriorates the status of a person who committed that act, shall not be retroactive.

#### **Article 6. Effect of Criminal Law with Regard to Persons Having Committed Crimes on the Territory of the Republic of Kazakhstan**

1. A person who committed a crime on the territory of the Republic of Kazakhstan shall bear liability in accordance with the present Code.

2. An act which was begun, or continued, or ended on the territory of the Republic of Kazakhstan, shall be recognised as a crime committed on the territory of the Republic of Kazakhstan. The effect of the present Code shall also apply to crimes which are committed on the continental shelf, and within the exclusive economic zone of the Republic of Kazakhstan.

3. A person having committed a crime on a ship registered in a port of the Republic of Kazakhstan, but which is in the open water or air space outside of the boundaries of the Republic of Kazakhstan, shall be subject to criminal liability under the present Code of the Republic of Kazakhstan, unless it is otherwise stipulated by an international treaty of the Republic of Kazakhstan. Under the present Code, a person shall also bear criminal liability who committed a crime on a military ship or military aircraft of the Republic of Kazakhstan, irrespective of its location.

4. The issue of criminal liability of diplomatic representatives of foreign states and other citizens who enjoy immunity, in case of the commission of a crime by them on the territory of the Republic of Kazakhstan, shall be resolved in accordance with the norms of international law.

#### **Article 7. The Effect of Criminal Law with Regard to Persons Who Committed a Crime Outside of the Boundaries of the Republic of Kazakhstan**

1. Citizens of the Republic of Kazakhstan who committed a crime outside of the boundaries of the Republic of Kazakhstan shall be subject to criminal liability in accordance with the present Code, if a given act which was committed is recognised as a crime on the territory of a state where it was committed, and if those persons were not convicted in that other state. In case of conviction of said persons, punishment may not exceed the upper limit of the sanction which is stipulated by law of the state on the territory of which a given crime was committed. Stateless persons shall bear liability on the same bases.

2. Former conviction, and other criminal-legal consequences of the commission by a person of a crime on the territory of another state, shall not have criminal-legal significance for deciding on the issue of criminal liability of that person for a crime committed on the territory of the Republic of Kazakhstan, unless it is otherwise stipulated by an international treaty of the Republic of Kazakhstan, or when a given crime committed on the territory of another state did not concern the interests of the Republic of Kazakhstan.

3. Military servicemen of military units of the Republic of Kazakhstan located outside its boundaries shall bear criminal liability in accordance with the present Code for crimes committed on the territory of another state, unless it is otherwise stipulated by an international treaty of the Republic of Kazakhstan.

4. Foreigners who committed crimes outside of the boundaries of the Republic of Kazakhstan shall be subject to criminal liability in accordance with the present Code in cases in which a given crime was directed against the interests of the Republic of Kazakhstan, and in cases stipulated by an international treaty of the Republic of Kazakhstan, if those foreigners were not convicted in that other state, and are brought to criminal liability on the territory of the Republic of Kazakhstan.

#### **Article 8. Extradition of Persons Who Committed a Crime**

1. Citizens of the Republic of Kazakhstan who committed a crime on the territory of another state shall not be subject to extradition to that other state, unless it is otherwise established by international treaties.

2. Foreigners and stateless persons who committed a crime outside of the boundaries of the Republic of Kazakhstan, who are on the territory of the Republic of Kazakhstan, may be extradited to another state to be brought to criminal liability, or to serve punishment in accordance with an international treaty of the Republic of Kazakhstan.

### **Section II. A Crime**

#### **Article 9. The Concept of a Crime**

1. A committed publicly dangerous act (or a failure to act) for which someone is found culpable, and which is prohibited by the present Code, under the threat of legal punishment, shall be recognised as a crime. Application of criminal law by analogy shall not be allowed.

2. Those acts or failures to act shall not be considered crimes which, though formally containing the elements of an act stipulated by the Special Part of the present Code, but by virtue of their insignificance do not present a public danger, that is, which did not cause any harm, and did not create a threat of causing harm to a person, society, or the state.

#### **Article 10. Categories of Crimes**

1. Acts stipulated by the present Code, depending on the character and degree of public danger involved, shall be divided into crimes of lesser gravity, crimes of medium gravity, grave crimes, and especially grave crimes.

2. Deliberate acts, for the commission of which the maximum punishment stipulated by the present Code does not exceed two years of deprivation of freedom, shall be categorised as crimes of lesser gravity, as well as negligent acts for which the maximum punishment stipulated in the present Code does not exceed five years of imprisonment.

3. Deliberate acts for the commission of which the maximum punishment stipulated in the present Code does not exceed five years of deprivations of freedom, shall be categorised as crimes of medium gravity, as well as negligent acts for which punishment is stipulated in the form of imprisonment for a period of more than five years.

4. Deliberate acts for the commission of which the maximum punishment stipulated in the present Code does not exceed twelve years of imprisonment shall be categorised as grave crimes.

5. Deliberate acts for the commission of which the present Code stipulates punishment in the form of imprisonment for a period of more than twelve years or capital punishment, shall be categorised as especially grave crimes.

#### **Article 11. Repetition of a Crime**

1. The commission of two or more acts stipulated by one and the same article or part of the Special Part of the present Code shall be considered to be repetition of a crime.

2. The commission of two or more crimes stipulated by different articles of the Special Part of the present Code, may be recognised as repetition of a crime only in cases which are specially indicated in the present Code.

3. A crime shall not be recognised as committed repeatedly if, for a crime committed earlier, a given person was released from criminal liability through the procedure established by law, or when a former conviction was cancelled or exculpated, or if the limitation periods expired for holding the convicted liable for such a crime.

4. A crime shall not be considered a repeated one, which is continuous, that is, a crime which consists of a chain of the same criminal acts which are united by a single design and purpose, and which form one crime.

5. In cases in which the repetition of a crime is stipulated by the present Code as a circumstance which entails a stricter punishment, then crimes committed by a given person shall be qualified in accordance with the relevant part of a given article which stipulates punishment for repetition of a crime in the Special Part of the present Code.

### **Article 12. Cumulative Crimes**

1. A cumulative crime shall be recognised as the commission of two or more acts stipulated by different articles or parts of a given article of the present Code, for neither of which a person was convicted, or released from criminal liability, on the bases stipulated by law. In case of a cumulative crime, a person shall bear criminal liability for each committed crime under the relevant article or a part of a given article of the present Code, unless the indications of the committed acts are covered by the provision of one Article or part of Article of this Code, which provides for a stricter punishment.

2. A cumulative crime shall mean one act (failure to act) which contains elements of crimes stipulated by two or more articles of the present Code. In the case of such combination of crimes the person shall be held criminally responsible for each crime in accordance with the relevant Articles of this Code, unless the indications of one committed act are covered by a provision of one Article of this Code, which provides for a stricter punishment for another act.

3. If one and the same act falls under the signs of the general and special norms of the relevant articles of the present Code, then there is no cumulative crime, and criminal liability shall arise under that article of the Special Part of the present Code which contains a special norm.

### **Article 13. Criminal Recidivism**

1. The commission of a deliberate act by a person who has a previous conviction for a past deliberate crime shall be recognised as criminal recidivism.

2. Criminal recidivism of crimes shall be considered dangerous:

a) in case of commission by a person of a deliberate crime for which he is to be convicted to imprisonment, if earlier that person was convicted twice to imprisonment for a deliberate crime;

b) in case of commission by a person of a grave crime, if earlier he was convicted of a grave crime.

3. Criminal recidivism shall be recognised as especially dangerous:

a) in case of the commission by a person of a deliberate crime for which he is convicted and sentenced to imprisonment, if earlier that person was convicted and sentenced to imprisonment not less than thrice for past grave crimes, or deliberate crimes of a medium gravity;

b) in case of the commission by a person of a grave crime for which he is convicted and sentenced to imprisonment, if earlier that person was sentenced to imprisonment for the commission of a grave crime, or was convicted of an especially grave crime;

c) in case of the commission of especially grave crime by a person, if he was convicted of a grave or especially grave crime.

4. Convictions of crimes committed by a person under the age of eighteen shall not be taken into account in the recognition of criminal recidivism, as well as sentences served or exculpated through the procedure established by the present Code.

5. Recidivism of crimes shall entail a stricter punishment on the basis and within limits stipulated by the present Code.

#### **Article 14. Persons Who Are Subject to Criminal Liability**

1. Only a sane person who reached the age established by the present Code shall be subject to criminal liability.

2. Persons who committed crimes shall be equal before law, regardless of their origin, social, official, and property status, sex, race, nationality, language, religious attitude, persuasions, membership in public organizations, place of residence, or any other circumstances.

#### **Article 15. The Age from Which Criminal Liability Arises**

1. A person shall be subject to criminal liability who reached sixteen years of age by the time of the commission of a given crime.

2. Persons, who reached fourteen years of age by the time of the commission of a crime, shall be subject to criminal liability for murder (Article 96), deliberate causation of serious damage to health (Article 103), deliberate causation of medium gravity damage to health under aggravated circumstances (Article 104, the second part), rape (Article 120), forcible acts of a sexual character (Article 121), kidnapping (Article 125), theft (Article 175), robbery (Article 178), brigandage (Article 179), extortion (Article 181), illegal occupation of an automobile or other transport vehicle without the purpose of theft under aggravated circumstances (Article 185, the second, third, and fourth parts), deliberate destruction or damage to property under aggravating circumstances (Article 187, the second and third parts), terrorism (Article 233), capture of a hostage (Article 234), deliberately false notice of an act of terrorism (Article 242), theft or extortion of arms, ammunition, explosive materials, and explosion devices (Article 255), hooliganism under aggravating circumstances (Article 257, the second and third parts), vandalism (Article 258), theft or extortion of drugs or psychotropic substances (Article 260), desecration of the bodies of the deceased and places of burial under aggravated circumstances (Article 275, the second part), and deliberate spoilage of transport vehicles or communications ways (Article 299).

3. If a minor reached the age stipulated in the first and second parts of this Article, but during the commission of a lesser or medium gravity crime, due to lagging behind in psychological

development which is not associated with a mental disorder, could not be fully aware of the actual character or public danger of his acts (omission of acts), or could not guide them, then he shall not be subject to criminal liability.

#### **Article 16. Insanity**

1. A person shall not be subject to criminal liability who, during the commission of a publicly dangerous act stipulated by the present Code, was in a state of insanity, that is could not be aware of the actual character and public danger of his acts (failure to act), or guide them, as a consequence of a chronic mental disease, temporary psychic disorder, feeble-mindedness, or other morbid state of mind.

2. With regard to a person who was recognised as insane, a court may apply compulsory measures of a medical character stipulated by the present Code.

#### **Article 17. Criminal Liability of Persons with a Mental Disorder Which Does Not Exclude Sanity**

1. A sane person who, during the commission of a crime, due to a mental disorder, could not fully be aware of the actual character and public danger of his acts (omission of acts) or guide them, shall be subject to criminal liability.

2. A mental disorder which does not exclude sanity shall be taken into consideration by a court when appointing punishment, and may serve as a basis for the appointment of compulsory measures of a medical character stipulated by the present Code.

#### **Article 18. Criminal Liability of Persons Having Committed a Crime in a State of Alcoholic Inebriation**

A person who committed a crime in a state of inebriation caused by the consumption of alcohol or other intoxicating substances, shall not be exempt from criminal liability.

#### **Article 19. Guilt**

1. A person shall be subject to criminal liability only for those publicly dangerous acts (or a failure to act), and those publicly dangerous consequences emerged, with regard to which his guilt was established.

2. Objective incrimination, that is, criminal liability for the non-guilty causation of damage, shall not be allowed.

3. Only a person who committed a given act deliberately or by negligence shall be recognised as guilty in a given crime.

4. An act which was committed by negligence shall be recognised as a crime only in the case in which it is specially stipulated by the relevant article of the Special Part of the Code.

#### **Article 20. A Crime Committed Deliberately**

1. A crime which was committed with direct or indirect intent shall be considered a deliberate crime.
2. A crime shall be recognised as an act committed with direct criminal intent, if a person was aware of public danger of his acts (omission of acts), foresaw a possibility or inevitability of publicly dangerous consequences, and disregarded their emergence.
3. A crime shall be recognised as an act committed with indirect intent, if a person was aware of the public danger of his acts (omission of acts), foresaw a possibility of the emergence of publicly dangerous consequences, did not desire but consciously admitted the possible emergence of such circumstances, or had an indifferent attitude towards them.

#### **Article 21. A Crime Committed by Negligence**

1. An act committed due to willful disregard of danger or neglect shall be recognised as a crime of negligence.
2. A crime shall be recognised as committed due to willful disregard of danger to others, if a person foresaw a possibility of the emergence of publicly dangerous consequences of his acts (omission of acts), but, without sufficient basis, light-mindedly counted on the prevention of those consequences.
3. A crime shall be recognised as an act committed by neglect, if a person did not foresee a possibility of the emergence of publicly dangerous consequences of his acts (omission of acts), though, with due care and forethought, must have and could have foreseen those consequences.

#### **Article 22. Liability for Crimes Committed with Two Forms of Guilt**

If, as a result of the commission of a deliberate crime, serious consequences are caused which entail a stricter punishment under the law, and which were not designed by the intent of a given person, then criminal liability for such consequences shall arise only in the case in which a person foresaw the possibility of their emergence, but, without the sufficient bases, presumingly counted on their prevention, or in the case in which a person did not foresee, but must have and could have foreseen a possibility of the emergence of those consequences. In general such a crime shall be considered to have been committed deliberately.

#### **Article 23. Causation of Damage Without Guilt**

1. An act shall be recognised as committed without guilt, if acts (their omission) and the emerged publicly dangerous consequences were not intended by a given person, and criminal liability for the commission of such an act, and for the causation of publicly dangerous circumstances, by negligence is not stipulated by the present Code.
2. An act shall be recognised as committed without guilt, if a person having committed it was not aware, and under the circumstances of a given case could not have been aware, of the public danger of his actions (their omission), or did not foresee a possibility of the emergence of publicly dangerous consequences and, under the circumstances of a given case, must not



have or could not have foreseen them. An act shall also be recognised as committed without guilt, if a person who has foreseen while committing it the emergence of publicly dangerous consequences, counted on their prevention with sufficient bases, or could not prevent those consequences by virtue of a discrepancy between his psychophysiological characteristics and the demands of extreme conditions, or a nervous-mental overburdening.

#### **Article 24. Preparation for a Crime and an Attempted Crime**

1. The search for, making, or adjustment of means or instruments of a crime which were carried out with direct intent, the search for partners, collusion to commit a crime, or other deliberate creation of conditions for the commission of a crime, shall be recognised as preparation for a crime, if, in this case a crime was not consummated due to circumstances which did not depend on the will of a given person.

2. Criminal liability shall emerge only for preparation for a grave or especially grave crime.

3. Acts (their omission) which are carried out with direct intent, and which are aimed directly at the commission of a crime, shall be recognised as an attempted crime, if, in this case, a given crime was not consummated due to circumstances which did not depend upon the will of a given person.

4. Criminal liability shall emerge only for an attempted crime of medium gravity, grave or especially grave crime.

5. Criminal liability for preparation for a crime, and for an attempted crime shall arise under the same article of the present Code, that is for a consummated crime, with a reference to the relevant part of a given article.

#### **Article 25. A Consummated Crime**

A crime shall be considered consummated if, in an act committed by a given person, contains all the elements of a legally defined crime stipulated by the present Code.

#### **Article 26. Voluntary Refusal to Commit a Crime**

1. Termination by a person of preparatory actions, or the termination of an act (its omission) directly aimed at the commission of a crime, shall be recognised as a voluntary refusal to commit a crime, if a person was aware of a possibility to consummate a given crime. A person shall not be subject to criminal liability for a crime, if he voluntarily and decisively refused to consummate a given crime.

2. A person who voluntarily refused to consummate a crime, shall be subject to criminal liability only in the case in which an act actually committed by him contains another legally defined crime.

3. An organizer of a crime and an abettor to a crime shall not be subject to criminal liability, if they prevented the consummation of a given crime by its performer by communication to the state bodies, or by other undertaken measures. An accomplice in a crime shall not be

subject to criminal liability, if, prior to the consummation of a given crime by its performer, he refuses to render collaboration which was earlier promised, or eliminates the results of assistance already rendered.

4. If acts of an organizer or abettor which are indicated in the third part of this Article did not lead to the prevention of a given crime by its performer, then measures undertaken by them shall be recognised by a court as mitigating circumstances when appointing punishment.

#### **Article 27. The Concept of Complicity in a Crime**

Deliberate joint participation of two or more persons in the commission of a deliberate crime shall be recognised as criminal complicity.

#### **Article 28. Types of Accessories in a Crime**

1. Along with a performer of a given crime, an organizer, abettor, and accomplice shall be recognised as accessories in a crime.

2. An organizer shall mean a person who directly committed a given crime, or who directly participated in its commission, together with other persons (co-performers), as well as a persons who committed a crime by way of using other persons who are not subject to criminal liability due to their age, insanity, or other circumstances, stipulated by the present Code, as well as by way of using persons who committed a given act by negligence.

3. A person shall be recognised as an organizer who organized the commission of a given crime, or who guided its execution, as well as a person who created an organized criminal group, or a criminal association (criminal organization), or a person who managed them.

4. A person shall be recognised as an abettor who inclined another person to the commission of a given crime by way of persuasion, subornation, threat, or by any other method.

5. A person shall be recognised as an accomplice who co-operated in the commission of a crime by advice, instructions, granting of information, instruments, or means for the commission, or by elimination of the impediments for the commission of a crime, as well as a person who promised in advance to conceal a criminal, instruments, or other means of the commission of a given crime, traces of a crime, or objects acquired by criminal means, as well as a person who earlier promised to acquire or to purchase such objects.

#### **Article 29. Liability of Accessories in a Crime**

1. Criminal liability of accessories in a crime shall be determined by the character and degree of participation of each of them in the commission of a given crime.

2. Co-performers shall bear liability in accordance with one and the same article of the present Code for a crime jointly committed by them, without reference to Article 28 of the present Code.

3. The liability of an organizer, abettor, and accomplice, shall arise under an article which stipulates punishment for the commission of a crime, with reference to Article 28 of the present Code, except for the cases in which they simultaneously were co-performers of a given crime.

4. In case a given crime was not consummated by its performer due to circumstances which were not dependent on him, the remaining accessories shall bear liability for complicity in preparation for the commission of that crime, or for an attempted crime. For preparation for an offense, criminal liability shall also be borne by a person who did not succeed in abetting other persons to the commission of a crime, due to circumstances which were not dependent on him.

5. A person who is not a performer or an accessory in a given crime that is specially indicated in the relevant article of the Special Part of the present Code, but who participated in the commission of a crime stipulated by that relevant article, shall bear criminal liability for that crime as his organizer, abettor, or accomplice.

### **Article 30. Excess of a Co-Participant in a Crime**

The commission by a person of a crime which was not covered by the intent of other co-participants shall be recognised as an excess of a co-participant. Other participants in a given crime shall not be subject to criminal liability for an excess.

### **Article 31. The Forms of Complicity in a Crime**

1. A crime shall be recognised as committed by a group of persons, if two or more performers jointly participated in its commission without preliminary collusion.

2. A crime shall be recognised as committed by a group of persons under preliminary collusion, if the persons who participated in it earlier agreed on joint commission of a given crime.

3. A crime shall be recognised as committed by an organized group, if it is committed by a stable group of persons who earlier united for the commission of one or several crimes.

4. A crime shall be recognised as committed by a criminal association (criminal organization), if it is committed by a united organized group (organization) which is created for the commission of grave or especially grave crimes, or by an association of organized groups created for the same purposes.

5. A person who created an organized group or a criminal association (criminal organization), or who guided them, shall be subject to criminal liability for their organization and guidance in cases stipulated by the relevant articles of the Special Part of the present Code, as well as for all crimes which were committed by a given organized group or a criminal association (criminal organization), if those crimes were covered by his criminal intent. Other participants of an organized group or a criminal association (criminal organization) shall bear criminal liability for participation in them in cases stipulated by the relevant articles of the

Special Part of the present Code, as well as for crimes in preparation or the commission of which they participated.

6. The creation of an organized group in cases, which are not stipulated by articles of the Special Part of the present Code, shall entail criminal liability for preparation for those crimes for the commission of which it was created.

### **Article 32. Necessary Self Defence**

1. The causation of damage to an assaulting person in one's own defence shall not be considered a crime, that implies cases of the protection of a person, housing, property, land plot, and other rights of a defending person and of other persons, as well as the interests of the society or the state protected by law, from publicly dangerous assault, by way of the causation of damage to an assaulting person, if the limits of necessary defence were not exceeded.

2. All persons in equal measure shall have the right to necessary self-defence, regardless of their professional or other special training, or official position. This right shall belong to a person regardless of whether it is possible to avoid a publicly dangerous assault, or to appeal for help to other persons or state bodies.

3. An obvious discrepancy between measures taken in self-defence and the character and degree of public danger of an assault, as a result of which a given attacker was caused obviously excessive damage, which was not justified by a given situation, shall be recognised as an excess of the limits of necessary self-defence. Such excess shall entail criminal liability only in cases of deliberate causation of harm.

Causation of harm to a person who attempts to kill a person, or when deterring another encroachment associated with the use or an attempt to use arms, shall not be recognised as excess of the limits of necessary defence.

### **Article 33. The Causation of Damage When Detaining a Person Having Committed an Assault**

1. The causation of damage to a person having committed a crime, when detaining him in order to deliver him to the state bodies, and to stop the possibility of the commission by him of new assaults, shall not be considered a crime, if it was not possible to detain that person by other means, and if no excess was allowed of the measures necessary for that purpose.

2. An excess of the measures necessary for a detention of a person having committed an assault shall mean an obvious disparity between the character and degree of public danger of an offense committed by a detained person and the circumstances of the detention, when obviously excessive damage is caused to a person without necessity, which is not justified by a given situation. Such an excess shall entail criminal liability only in cases of deliberate causation of damage.

3. Along with persons who are specially authorised to detain, the right to detain a person having committed an assault shall also belong to victims and other citizens.

#### **Article 34. Extreme Necessity**

1. It shall not be considered a crime to inflict damage upon the interests protected by the present Code in a situation of extreme necessity, that is, in order to eliminate a danger which directly threatens the life, health, the rights and legitimate interests of a given person or of other persons, as well as the interests of the society, if such a danger could not have been eliminated by other means, and if the limits of extreme necessity were not exceeded.

2. An exceeding of the limits of extreme necessity shall mean the causation of damage which obviously does not conform to the character and degree of threatened danger and the situation in which the danger was eliminated, when damage was inflicted upon interests which is equal to or exceeds the prevented damage. Such an excess shall entail liability only in cases of deliberate infliction of damage.

#### **Article 34-1. The Performance of Operative-Investigative Measures**

1. The act committed in the course of the performance of operative-investigative measures in accordance with the law by an employee of the authorised state body or pursuant to the instructions of such body by another person who collaborates with that body, shall not be recognised as a crime that caused harm to the interests protected by this Code, provided that act was committed for the purpose of prevention, detection, exposure or investigation of the crimes committed by a group of persons on a preliminary collusion, by an organised group or criminal community (criminal organisation), as well as if the harm caused to legally protected interests is less significant than the harm which is caused by said crimes, and if their prevention, exposure or investigation, and equally the exposure of those who are guilty of commission of crimes could not be carried out in any other manner.

2. The provisions of the first part of this Article shall not apply to the persons who committed acts related to threat of lives or health of people, ecological disaster, public calamity or other grave consequences.

#### **Article 35. Justifiable Risk**

1. The causation of damage to the interests protected by the present Code shall not be considered a crime in case of a justifiable risk for the achievement of a publicly useful goal.

2. Risk shall be recognised as justifiable if a said goal could not have been achieved by actions (their omission) not associated with the risk, and if a person who admitted a risk undertook sufficient measures for the prevention of damage to the interests protected by the present Code.

3. Risk shall be considered to be justifiable if it was directly associated with a threat to people's life or health, of ecological catastrophe, social disaster, or other serious consequences.

### **Article 36. Physical or Psychic Coercion**

1. The causation of damage to interests protected by the present Code as a result of physical coercion shall not be considered a crime, if as a consequence of such coercion a person could not control his actions (their omission).
2. The issue of criminal liability for the causation of damage to interests protected by the present Code as a result of psychic coercion, as well as as a result of physical coercion, as a consequence of which a given person retained the possibility to guide his actions, shall be resolved subject to provisions of Article 34 of the present Code.

### **Article 37. The Execution of an Order or an Instruction**

1. The causation of damage to interests protected by the present Code by a person who acted in pursuance of an order or instruction obligatory for him shall not be considered a crime. Criminal liability for the causation of such damage shall be borne by a person who issued an illegal order or instruction.
2. A person having committed a deliberate crime in pursuance of an inherently illegal order or instruction, shall bear criminal liability on general bases. Non-execution of a deliberately illegal order or instruction shall exclude criminal liability.

## **Section III. Punishment**

### **Article 38. The Concept and Purposes of Punishment**

1. Punishment shall be a measure of state coercion which is appointed pursuant to a court's sentence. Punishment shall apply to a person who was found guilty in the commission of a crime, and it shall consist of imprisonment or restriction of the rights and freedoms of that person which are stipulated by the present Code.
2. Punishment shall apply for the purpose of restoration of social justice, as well as correction of a given convict, and prevention of the commission of new crimes both by that convict and by other persons. Punishment shall not have as its purpose the infliction of physical sufferings or humiliation upon human dignity.

### **Article 39. Types of Punishment**

1. Persons who were found guilty in the commission of a crime may be subject to the following types of punishment:
  - a) a fine;
  - b) deprivation of the right to hold a certain office, or to engage in certain activity;
  - c) engagement in public works;
  - d) correctional labour;
  - e) restriction in military service;

- f) restriction of freedom;
- g) arrest;
- h) detention in a disciplinary military unit;
- i) deprivation of freedom;
- j) capital punishment.

2. Aside from main types of punishment, convicts may be subjected to the following additional types of punishment:

- a) deprivation of a special, military, or honorary rank, class rank, diplomatic rank, or qualification class, and state awards;
- b) confiscation of property.

3. A fine and deprivation of the right to hold a certain position, or to engage in a certain type of activity and attraction to public labour, may be applied either as principal or additional types of punishment.

#### **Article 40. A Fine**

1. A fine shall mean a monetary exaction appointed within the limits stipulated by the present Code, in an amount corresponding to a certain quantity of monthly assessment indices as established by legislation, which are current at the moment of the appointment of a given punishment, or in the amount of wages or other income of a given convict for a certain period, as of the moment of the commission of a crime by him.

2. A fine shall be appointed within the limits from twenty-five up to twenty thousand monthly assessment indices, as established by legislation of the Republic of Kazakhstan, or in the amount of wages or income of a given convict for a period from two weeks up to one year. The amount of a fine shall be determined by a court subject to gravity of a given crime committed, and property status of a given convict.

3. A fine as an additional type of punishment may be appointed only in cases stipulated by the relevant articles of the Special Part of the present Code.

4. In case of malignant evasion from payment of a fine which was appointed as a principal type of punishment, it shall be replaced for labour in public works, correctional labour, or an arrest, the length of which shall be calculated as follows: one month of correctional labour, or eighty hours of engagement in public labour, or ten days of arrest, for the amount of a given fine accordingly, to threefold the amount of a monthly calculation base, in compliance with the rules stipulated by Articles 42, 43, and 46 of the present Code.

#### **Article 41. Deprivation of the Right to Hold Certain Position or Engage in Certain Activity**

1. Deprivation of the right to hold a certain position or to engage in a certain type of activity, shall consist in prohibition to hold certain positions at the state service, in the local government bodies, or to engage in certain professional or other activities.

2. Deprivation of the right to hold certain positions or to engage in certain types of activity shall be established for a period from one year to five years as a principal type of punishment and for a period from six months up to three years as an additional type of punishment.

For the commission of corruption crimes, deprivation of the right to hold certain positions or to engage in certain types of activity shall be established for a period from three to ten years as a principal type of punishment and for a period from one year to seven years as an additional type of punishment.

Note. Crimes specified in paragraph d) of the third part of Article 176, paragraph a) of the third part of Article 193, paragraph a) of the third part of Article 209, Article 307, paragraph c) of the fourth part of Article 308, ArticleS 310-315, Article 380 of this Code, shall be recognised as corruption crimes.

3. Deprivation of the right to hold certain positions or to engage in a certain types of activity as an additional type of punishment may be also appointed in the case in which it is not stipulated by the relevant article of the Special Part of the present Code as punishment for the relevant crime, if, subject to the character and degree of public danger of a committed crime, and personality of the convict, a court recognises it as impossible for him to retain the right to hold certain positions, or to engage in certain types of activity.

4. In appointment of this punishment as an additional to restriction of freedom, arrest, detention in a disciplinary military unit, or deprivation of freedom, it shall apply for the entire time of serving said main types of punishment, but, in this respect, its term shall be calculated from the moment serving begins. In case of appointment of deprivation of the right to hold certain positions or to engage in a certain types of activity as an additional type of punishment to the other main types of punishment, as well as in a case of a suspended conviction, its term shall be calculated from the moment of the entering of a given sentence into legal force.

#### **Article 42. Involvement in Public Works**

1. Public works shall consist in the performance without compensation by a convict, in the time free from his work or studies, of publicly useful works, the type of which shall be defined by local executive bodies or local self-government bodies.

2. Public works shall be established for a period from sixty up to two hundred and forty hours, and shall be performed for not longer than four hours per week. In case of a malicious escape from participation in public works, they shall be replaced by restriction of freedom arrest or deprivation of freedom within the limits of a period stipulated by Articles 45 and 46 and 48, accordingly. In this respect, the time during which a convict served in public works shall be taken into account, as one day of restriction of freedom arrest or deprivation of freedom for four hours of public works.



3. Engagement in public works may not be sentenced upon military servicemen, women over fifty years of age, and men over sixty, pregnant women, as well as women having children up to three years, and the disabled of group one and two.

#### **Article 43. Correctional Labour**

1. Correctional labour shall be appointed for a period from two months up to two years, and shall be served in the place of work of a given convict.

2. From wages of a convict earned from correctional labour, withholdings shall be made to the revenues of the state in the amount established by a court's sentence, within the limits from five to twenty five percent.

3. Correctional labour may not be sentenced upon persons who are recognised as incapable of work, who do not have permanent work, or who study in educational institutions with their work being discontinued. Instead of correctional labour, a court may exact upon such persons a fine calculated as follows: the amount of a fine equal to one monthly calculation base established by legislation for one month of correctional labour, if a sanction of the relevant article of the Special Part of the present Code does not stipulate punishment in the form of a fine. A court may also replace correctional labour with a fine, if indicated circumstances arose during the period of serving punishment.

4. In case of a malicious evasion of serving a term of punishment by a person sentenced to correctional labour, a court may replace an unserved term of correctional labour with a punishment in the form of restriction of freedom, arrest, or deprivation of freedom for the same period.

#### **Article 44. Restriction in Military Service**

1. Restriction in military service shall be sentenced upon convicted military servicemen who undergo military service under a contract, as well as officers who undergo military service under draft, for a period from three months up to two years in cases stipulated by relevant articles of the Special Part of the present Code for the commission of crimes against military service, as well as to convicted military servicemen who undergo military service under a contract, instead of correctional labour stipulated by the relevant articles of the Special Part of the present Code.

2. From a monetary allowance of a convict sentenced to restriction in military service, withholdings shall be made to the revenues of the state in the amount established by a court's sentence, but not more than twenty percent. During the time of serving this punishment, a convict may not be promoted to a higher office or military rank, and a period of punishment shall not be included into the length of service for a conferment of a next military rank.

#### **Article 45. Restriction of Freedom**

1. Restriction of freedom shall consist in imposition on the person convicted by the court of certain duties which restrict his freedom and it shall be endured in the place of his residence

under the supervision of the specialised body without isolation from the society for a period from one year up to five years. In the case of replacement of another punishment (engaging in public work or correctional labour) with restriction of freedom, it may be prescribed for a period less than one year.

The court when prescribing a punishment in the form of restriction of freedom shall impose upon the convict the performance of the following duties: not to change the permanent place of residence, work and training without a notice to the specialised authorities, not to visit certain places, during the time which is free of school and work not to leave the place of residence, not to depart for other areas without a permit from the specialised authority. The court may also impose upon a person sentenced to restriction of freedom, the performance of other duties which assist his correction: to undergo a course of medical treatment from alcoholism, drug addiction, toxicomania, sexually-transmitted diseases, to carry out material support of the family.

2. In the case of malicious evasion of endurance of punishment by a person sentenced to restriction of freedom, the court may replace the unserved term of restriction of freedom with a punishment in the form of deprivation of freedom for the same period. In that respect the period of enduring the restriction of freedom shall be reckoned towards the period of deprivation of freedom on the basis of one day of deprivation of freedom for one day of restriction of freedom.

3. Restriction of freedom shall not apply to the persons who have court sentences for the commission of a grave and especially grave crime, to military servicemen, as well as to persons who have no permanent place of residence.

4. During the period of enduring a sentence in the form of restriction of freedom, the court pursuant to the proposal of the body which carries out the supervision of the convict's behaviour, may fully or partially cancel the duties previously imposed upon the convict.

#### **Article 46. Arrest**

1. Arrest shall consist of the detention of a convict under conditions of strict isolation from the society for the entire period of the appointed punishment.

2. Arrest shall be established for a period of one month up to six months. In case of a substitution of engagement in public works or correctional labour, or a fine, for an arrest, it may be appointed for a period of less than one month.

3. Arrest shall not apply to persons who did not reach sixteen years eighteen years of age by the moment of the passing of a sentence, as well as to pregnant women and women who have minor children.

4. Military servicemen shall serve an arrest in a guard-house.

#### **Article 47. Detention in a Disciplinary Military Unit**

1. Detention in a disciplinary military unit shall be sentenced upon military servicemen who undergo military service as enlisted men, as well as those who undergo it under a contract, holding rank-and-file positions or positions of non-commissioned officers, if they, as of the moment of the passing by a court of a sentence, have not served the term of service as draftees as established by law. This punishment shall be sentenced for a period from three months up to two years in cases stipulated by the relevant articles of the Special Part of the present Code for the commission of military crimes, as well as in cases in which a court, taking into consideration the circumstances of a given case, and the personality of a convict, deems it expedient, instead of deprivation of freedom for a period of not more than two years, to sentence the convicted to detention in a disciplinary military unit for the same period. Detention in a disciplinary military unit, instead of deprivation of freedom, may not be sentenced upon persons who earlier served punishment in the form of deprivation of freedom.
2. In case of detention in a disciplinary military unit instead of deprivation of freedom, a period of detention in a disciplinary military unit shall be calculated on the basis of one day of deprivation of freedom for one day of detention in a disciplinary military unit.

#### **Article 48. Deprivation of Freedom**

1. Deprivation of freedom shall consist of isolation of a given convict from society by way of sending him to a settled colony, or his placement in a penitentiary settlement of a general, strict, or special regime, or into a jail.
2. Persons convicted and sentenced to deprivation of freedom, who did not reach eighteen years of age by the moment of passing of a sentence, shall be sent to educational colonies of a general or reinforced strict regime.
3. Deprivation of freedom for the commission of crimes stipulated by the present Code, shall be established for a period from six months up to fifteen years, and for especially grave crimes indicated in the first part of Article 49 of the present Code, up to twenty years or for a life-time. For crimes of negligence, a term of deprivation of freedom may not exceed ten years. In case of a substitution of compulsion to do public work, of correctional labour or restriction of freedom for deprivation of freedom, it may be established for a period of less than six months. In case of a partial or complete addition of terms of deprivation of freedom, when establishing punishments for a cumulative crime, as well as in cases stipulated by the third part of Article 49, the fifth part of Article 69, and the fourth part of Article 75 of the present Code, the maximum term of deprivation of freedom may not exceed twenty-five years, and thirty years in case of a cumulative crime.
4. Life-time deprivation of freedom shall be established only as an alternative for capital punishment for the commission of especially grave crimes which infringe upon life, and it may be established in cases in which a court decides not to apply capital punishment. Life-time deprivation of freedom shall not be sentenced upon women, as well as to persons having committed a crime under the age of eighteen, and men who reach the age of sixty five by the moment of passing of a given sentence.

5. The serving of deprivation of freedom shall be sentenced upon the following:

a) persons convicted for crimes committed by negligence and sentenced for deprivation of freedom for a period of not more than seven years in settled colonies;

b) persons convicted for the first time and sentenced to deprivation of freedom for the commission of deliberate lesser crimes, crimes of medium gravity, or grave crimes, as well as persons who are convicted and sentenced for crimes committed by negligence to deprivation of freedom for a period of more than seven years and persons to whom compulsion to do public work, correctional labour or restriction of freedom are substituted with deprivation of freedom for a period up to six months in penitentiary settlements of the general regime;

c) persons who are convicted for the first time and sentenced to deprivation of freedom for the commission of especially grave crimes, as well as in case of criminal recidivism, if a convicted person earlier served punishment in the form of deprivation of freedom, as well as to women in a case of especially dangerous criminal recidivism, in penitentiary settlements of the special regime;

d) in case of especially dangerous criminal recidivism, as well as upon persons sentenced to a life-time deprivation of freedom, in penitentiary settlements of the special regime.

6. For persons convicted and sentenced to deprivation of freedom for a period of more than five years for the commission of especially grave crimes, as well as in case of especially dangerous criminal recidivism, punishment may be established with serving of a part of their term in a jail, but not longer than for five years.

7. A change of the type of correctional institution established by a sentence shall be carried out by a court in accordance with criminal-executory legislation of the Republic of Kazakhstan.

#### **Article 49. Capital Punishment**

1. Capital punishment, that is a sentence to be shot, as an exceptional form of punishment, may be established only for especially grave crimes infringing upon a person's life, as well as for crimes committed in war time, or in a combat situation, high treason, crimes against the peace and safety of mankind, and especially grave military crimes.

2. Capital punishment shall not be sentenced upon women, as well as persons who committed a crime under the age of eighteen, and men who reached the age of sixty-five by the moment of passing of a sentence by a court.

3. In the event that the President of the Republic of Kazakhstan introduces a moratorium on the execution of death penalty, the execution of a death sentence shall be suspended for the effective period of a moratorium.

4. A sentence of death shall be executed not earlier than upon the expiration of one year from the moment of its entering into force, as well as not earlier than upon the expiration of one year after the abolition of a death penalty moratorium.

5. In the procedure of a pardon, the death penalty may be replaced with a life imprisonment or with deprivation of freedom for a period of a twenty five years of enduring the punishment at a correction colony of special regime. Persons sentenced to death penalty shall, in the event of abolition of a death penalty moratorium have the right to petition for pardon, irrespective of whether or not they petitioned for that prior to the introduction of a moratorium.

#### **Article 50. Deprivation of Special, Military, or Honorary Rank, Class Rank, Diplomatic Rank, Qualification Class, and State Awards**

1. In case of a conviction for the commission of a grave or especially grave crime, subject to the personality of a given convict, a court may deprive him of an honorary, military, special, or other rank, class rank, diplomatic rank, or qualification class.
2. In case of conviction for the commission of a grave or especially grave crime of a person who has state awards of the Republic of Kazakhstan, or an honorary, military, special, or other rank, class rank, diplomatic rank, or a qualification class, which were awarded by the President of the Republic of Kazakhstan, a court, when passing a sentence, shall decide on the issue of the expediency of the submission to the President of the Republic of Kazakhstan of a recommendation to deprive a given convict of those awards, ranks, class rank, diplomatic rank, or a qualification class.

#### **Article 51. Forfeiture of Property**

1. Forfeiture of property shall mean the forcible seizure of all or a part of the property which is in the ownership of a given convict, to the ownership of the state, without compensation.
2. Forfeiture of property shall be established for mercenary crimes, and it may be sentenced only in the cases stipulated by the relevant articles of the Special Part of the present Code.
3. Property shall not be subject to forfeiture which is necessary for the convict or his dependents, in accordance with the list stipulated by the criminal-executory legislation.

### **Section IV. Establishment of Punishment**

#### **Article 52. General Bases For Establishing Punishment**

1. A person who was recognised as guilty in the commission of a crime, shall be appointed a just punishment within the limits established by the relevant article of the Special Part of the present Code, and subject to provisions of the General Part of the present Code.
2. A person who committed a crime must be sentenced with a punishment necessary and sufficient for his correction and the prevention of new crimes. A stricter type of punishment from those stipulated for a given crime committed shall only be appointed in case a lesser punishment can not provide for the achievement of the goals of punishment. A stricter punishment for a committed crime than that stipulated by the relevant articles of the Special Part of the present Code may be established in a case of a cumulative crime in accordance with Articles 58 and 60 of the present Code. The bases for establishing a lesser punishment

for a committed crime than that which is stipulated by the relevant articles of the Special Part of the present Code shall be defined by Article 55 of the present Code.

3. When establishing punishment, the character and degree of public danger of a given crime shall be taken into consideration, as well as the personality of a convict, including his behavior prior to and after the crime, circumstances which aggravate and mitigate liability and punishment, and the influence of the established punishment upon the correction of a given convict, and upon the conditions of life of his family or persons dependent on him.

### **Article 53. Circumstances Which Mitigate Criminal Liability and Punishment**

1. The following shall be recognised as circumstances which mitigate criminal liability and punishment:

- a) the commission for the first time of a lesser crime as a consequence of an accidental conjuncture of circumstances;
- b) minority of a convict;
- c) pregnancy;
- d) the existence of small children of a convict;
- e) rendering of medical and other assistance to the victim directly after the commission of a crime, voluntary compensation for property damage and moral damage inflicted as a result of a crime, and other actions directed at the compensation or atonement for damage caused by a given crime;
- f) the commission of a crime as a result of concurrence of serious personal, family, or other circumstances, or by the motive of compassion;
- g) the commission of a crime as a result of physical or psychic coercion, or by virtue of material, official, or other dependence;
- h) the commission of a crime in violation of the conditions of lawful necessary self-defence, extreme necessity, detention of a person having committed a crime, justifiable risk, and the execution of an order or instruction;
- i) unlawfulness or immorality of the behavior of a given victim which served as an incentive for a given crime;
- j) sincere repentance, confessing to the police and pleading guilty, active contributing to the disclosure of a crime, exposing other participants in a crime, and search for property acquired as its result.

2. When establishing punishment, circumstances which are not indicated in the first part of this Article may also be taken into consideration as mitigating factors.

3. If a mitigating circumstance is stipulated by the relevant article of the Special Part of the present Code as an attribute of a crime, it may not be in itself repeatedly taken into consideration when establishing punishment.

4. When there are the mitigating circumstances as specified in paragraphs e) j) of the first part of this Article and there are not aggravating circumstances, the period or scale of the punishment in the case of commission of a crime of lesser or medium gravity may not exceed a half, in the case of commission of a grave crime two thirds, in the commission of a specially grave crime three fourths of the maximum term or scale of the most severe type of punishment as specified in the relevant Article of the Special Part of this Code.

#### **Article 54. Circumstances Which Aggravate Criminal Liability and Punishment**

1. The following shall be recognised as circumstances which aggravate criminal liability and punishment:

a) repetition of crimes, criminal recidivism;

b) the causation of serious consequences by a crime;

c) the commission of a crime within a group of persons, a group of persons in preliminary collusion, an organized group or a criminal association (criminal organization);

d) an especially active part in the commission of a crime;

e) involvement in the commission of a crime of persons who suffer from serious psychic disorders, a given convict being aware of that fact, or persons who did not reach the age from which criminal liability arises;

f) the commission of a crime under a motivation of national, racial, or religious hatred or enmity, out of revenge for lawful actions of other persons, as well as for the purpose to conceal another crime, or to facilitate its commission;

g) the commission of a crime with regard to a woman who is pregnant, a convict being aware of that fact, as well as with regard to a small child, another defenseless or helpless person, or a person who is dependent upon the convict;

h) the commission of a crime with regard to a person or his relatives in relation to the implementation by that given person of his official, professional, or public duty;

i) the commission of a crime involving an atrocity, sadism, mockery, as well as torments for the victim;

j) the commission of a crime with the use of arms, ammunition, explosive substances, an explosive or other devices imitating them, specially made technical instruments, combustible and inflammable liquids, poisonous and radioactive materials, medicinal and other chemico-pharmacological substances, as well as with the application of physical or psychic coercion, or by generally dangerous methods;

k) the commission of a crime with the use of conditions of an extraordinary situation, natural or other social disaster, as well as in cases of mass unrest;

l) the commission of a crime in a condition of alcoholic, narcotic, or toxicomaniac inebriation. A court shall have the right, depending on the character of a given crime, not to recognise this circumstance as aggravating;

m) the commission of a crime by a person who violated by that a military oath or a professional vow;

n) the commission of a crime with the use of trust rendered to a convict by virtue of his service position or a certain contract;

o) the commission of a crime with the use of a uniform or documents of a representative of authority.

2. If a circumstance, which is indicated in the first part of this Article, is stipulated by the relevant article of the Special Part of the present Code as an element of a crime, it may not be again taken into consideration as a circumstance aggravating liability and punishment.

3. When establishing punishment, a court may not recognise as aggravating circumstances which are not indicated in the first part of this Article.

#### **Article 55. Establishing a Lesser Punishment Than It Is Stipulated for a Given Crime**

1. In cases in which there are exceptional circumstances which are associated with goals and motivations of a given act, the role of a convict, his behaviour during or after the commission of a crime, and other circumstances, which considerably lessen the degree of public danger of a given act, as well as in case of active contribution of a participant in a group crime to the disclosing of other crimes committed by that group, punishment may be established lower than the minimum stipulated by the relevant article of the Special Part of the present Code, or a court may establish a milder type of punishment than it is stipulated by a given article, or not to apply an additional type of punishment stipulated as obligatory.

2. Both separate mitigating circumstances and their combination may be found as exceptional.

#### **Article 56. Establishing Punishment for an Uncompleted Crime**

1. When establishing punishment for an uncompleted crime, circumstances shall be taken into consideration by virtue of which a given crime was not consummated.

2. A term or amount of punishment for preparation for a crime may not exceed a half of the maximum term or amount of the strictest type of punishment stipulated by the relevant article of the Special Part of the present Code for a consummated crime.



3. A term or amount of punishment for an attempted crime may not exceed three quarters of the maximum term or amount of the strictest type of punishment stipulated by the relevant article of the Special Part of the present Code for a consummated crime.

4. Capital punishment or life-time deprivation of freedom shall not be established for preparation for a crime or for an attempted crime.

#### **Article 57. Establishing Punishment for a Crime Committed in Complicity**

1. When appointing punishment for a crime committed in complicity, the character and the degree of actual participation of a person shall be taken into consideration, as well as the importance of that participation for the achievement of the goal of a given crime, its influence upon the character and amount of caused or possible damage.

2. Circumstances which mitigate or aggravate liability and punishment, which relate to personality of one of the participants, shall be taken into consideration only when establishing punishment to this participant.

#### **Article 58. Establishing Punishment for a Cumulative Crime**

1. In case of a cumulative crime, a court, after establishing punishment (principal and additional) for each crime separately, shall determine the final punishment by way of merging of a less strict punishment by stricter one, or by way of complete or partial addition of established punishments.

2. Where a combination of crimes comprises only crimes of lesser and medium gravity, then finally the punishment shall be appointed by way of a merger of the less strict punishment with a more strict one.

3. If a cumulative crime includes grave or especially grave crimes, than final punishment shall be established by way of absorption of a less strict punishment by a more strict one or by way of partial or complete addition of punishments. In this respect final punishment in the form of deprivation of freedom may not exceed twenty years.

4. If a cumulative crime includes even one especially grave crime, for the commission of which the present Code stipulates punishment in the form of deprivation of freedom for a period of twenty years, or capital punishment, or life-time deprivation of freedom, than final punishment shall be established by way of partial or complete addition of punishments. In this respect, final punishment in the form of deprivation of freedom may not exceed twenty five years.

5. To the principal punishment established for a cumulative crime, additional punishments may be added, which are established for crimes forming cumulation. Final additional punishment, in case of partial or complete addition, may not exceed the maximum term or amount established for a given type of punishment by the General Part of the present Code.

6. Under the same rules, punishment shall be established, if after the passing of a sentence in a given case by a court, it is established that a convict is also guilty of another crime which

was committed by him prior to the passing of a sentence for the first case. In this case, punishment served under the first sentence of a court shall be taken into account within the final term of punishment.

#### **Article 59. Establishing Punishment in Case of Criminal Recidivism**

1. When establishing punishment in case of criminal recidivism, dangerous criminal recidivism, or especially dangerous criminal recidivism, the number, character, and degree of social danger of previous crimes shall be taken into consideration, as well as circumstances by virtue of which correctional impact of the previous punishment turned out to be insufficient, and the character and degree of social danger of newly committed crimes.
2. A term and amount of punishment in case of criminal recidivism may not be less than a one third the maximum term and amount of the strictest type of punishment stipulated for a given crime, not less than one half in cases of dangerous criminal recidivism, and not less than two-thirds in case of especially dangerous criminal recidivism.
3. If an article (a part of an article) of the Special Part of the present Code contains an reference to a former conviction of a person who committed a crime as a qualifying attribute, as well as if there are exceptional circumstances stipulated by Article 55 of the present Code, then punishment in cases of criminal recidivism, dangerous criminal recidivism, or especially dangerous criminal recidivism, shall be established without taking into consideration of the rules stipulated by the second part of this Article.

#### **Article 60. Establishing Punishment in Case of Cumulation of Sentences**

1. If a convict, after the passing of a sentence, but prior to full serving of punishment, committed another crime, a court shall add, fully or partially, an unserved time of punishment for the previous crime to punishment established for the last crime.
2. The final punishment in case of the cumulation of sentences, if it is not associated with deprivation of freedom, may not exceed the maximum term or amount stipulated for a given type of punishment in the General Part of the present Code.
3. The final punishment in case of the cumulation of sentences in the form of deprivation of freedom may not exceed twenty-five years. If cumulation of sentences includes a sentence by which a given person is found guilty in the commission of at least one crime indicated in the forth part of Article 58 of the present Code, then the final punishment for a cumulation of sentences in the form of deprivation of freedom may not exceed thirty years.
4. The final punishment in case of a cumulation of sentences must be greater than both the punishment established for a newly committed crime, and an unserved part of the punishment for a previous court's sentence.
5. When establishing punishment in a cumulation of sentences, the adding of additional types of punishments shall be carried out in accordance with the rules stipulated by Article 58 of the present Code.

## **Article 61. The Procedure for Determining Terms of Punishment When Adding Them**

1. In case of a partial or complete addition of punishments in a cumulation of crimes, one day of deprivation of freedom shall correspond to the following:

- a) one day of arrest or detention in a disciplinary military unit;
- b) two days of restriction of freedom;
- c) three days of correctional labour or restriction in military service;
- d) four hours of engagement in public works.

2. An imposition of a fine, deprivation of the right to hold certain positions or to engage in certain activity, and deprivation of a special, military, or honorary rank, class rank, or state awards, as well as forfeiture of property, when they are added to restriction of freedom, correctional labour, detention under arrest, detention in a disciplinary military unit, or deprivation of freedom, shall be executed independently.

## **Article 62. Calculation of Terms of Punishment and Offset of a Punishment**

1. Terms of deprivation of the right to hold certain positions or to engage in certain activity, as well as terms of correctional labour, restriction in military service, restriction of freedom, detention under arrest, detention in a disciplinary military unit, and terms of deprivation of freedom, shall be calculated in months and years, and terms of engagement in public works shall be calculated in hours.

2. In case of a change of punishment or in case of adding punishments indicated in the first part of this Article, as well as in case of an offset of punishment, terms may be calculated in days.

3. Time of detention under custody before the entering of a given sentence into effect shall be offset from a term of punishment in the form of deprivation of freedom, detention under arrest, or detention in a disciplinary military unit, on the basis of one day for one day, and in the form of restriction of freedom - one day for two days, correctional labour and restriction in military service - one day for three days, and with regard to the form of engagement in public works - one day of detention under custody for four hours of public works.

3-1. The time of holding under home arrest to the entry of the sentence in legal force shall be entered in the term of punishment in the form of deprivation of liberty, arrest at two days for one day, in the form of restriction of liberty - one day for one day, corrective labour and restriction of military service - one day for two days, and in the term of punishment in the form of attraction to public labour at one day of holding under home arrest for two hours of public labour.

4. The time of detention of a person under custody prior to the entering of a given sentence into legal force, and the time of serving deprivation of freedom appointed by a court's judgment for a crime committed outside of the Republic of Kazakhstan, in case of an

extradition of a given person on the basis of Article 8 of the present Code, shall be offset on the basis of one day for one day.

5. In case of sentencing a convict, who is detained under custody before judicial investigation, to punishment in the form of a fine, deprivation of the right to hold certain positions or to engage in certain activity, a court, taking into consideration the term of detention under custody, shall mitigate the appointed punishment, or completely release him from serving that punishment.

6. The time during which a person, who fell ill with a mental disease after the commission of a crime, was subjected to compulsory measures of a medical character, shall be offset from the term of punishment.

### **Article 63. Suspended Conviction**

1. In case, after having sentenced a criminal to correctional labour, restriction in military service, deprivation of freedom, or detention in a disciplinary military unit, a court comes to the conclusion that the correction of a given convict can take place without his serving his sentence, the court may adopt a decision to consider the sentence suspended.

2. In case of an application of suspended sentence, a court shall take into consideration the character and degree of public danger of the committed crime, as well as the personality of a given convict, including circumstances which mitigate and aggravate liability and punishment.

3. In case of a suspended sentence, a court shall establish a probation period during which a given convict must prove his correction by his behaviour. A probation period shall be appointed for a period from one year to three years.

4. In case of suspended sentence, additional types of punishment may be appointed, except for forfeiture of property.

6. Supervision of the behaviour of a convict with a suspended sentence shall be carried out by a specialised state body authorised to do that, and with regard to military servicemen, by the commanding staff of military units and institutions.

### **Article 64. Cancellation of a Suspended Sentence or the Prolongation of a Probation Period**

1. If, prior to the expiration of probation period, a convict with a suspended sentence proved his correction by his behaviour, then a court, pursuant to a proposal from the body carrying out supervision of his behaviour, may render a decision on the cancellation of a suspended sentence and on the removal of conviction from a given convict. In this respect, a suspended sentence may be canceled upon the expiration of not less than half of the established probation period.

2. If a convict with a suspended sentence committed a violation of public order for which an administrative punishment was imposed upon him, then a court, pursuant to a proposal from

the body indicated in the first part of this Article, may extend a probation period, but not more than for one year.

3. In the case of systematic and malicious violation by a conditionally sentenced person within the probation period of the public order or if the conditional convict has escaped supervision, the court pursuant to the proposal of the body indicated in the first part of this Article shall issue a resolution on cancelling of the conditional sentence and execution of the punishment prescribed by the court sentence.

4. If during his probation period, a convict with a suspended sentence committed a crime by negligence, or a deliberate crime of a lesser gravity, the question of the cancellation or retention of a suspended sentence shall be decided by a court when sentencing to punishment for a new crime.

5. If during his probation period, a convict with a suspended sentence commits a deliberate crime of medium gravity, or a grave, or especially grave crime, a court shall cancel a suspended sentence, and shall sentence to punishment in accordance with the rules stipulated by Article 60 of the present Code. Under the same rules punishment shall be sentenced in the cases stipulated by the fourth part of this Article.

## **Section V. Exemption from Criminal Liability and Punishment**

### **Article 65. Exemption from Criminal Liability Due to Active Repentance**

1. A person who committed for the first time a crime of a lesser gravity or of medium gravity, may be exempt from criminal liability, if that person, after the commission of a given crime, voluntary pleaded guilty to the police, or contributed to the disclosure of a given crime, or otherwise made amends for the damage inflicted by his crime.

2. A person having committed a crime, except for a grave or especially grave crime against a person, may be exempt by from criminal liability, if he actively contributed to the prevention, disclosure, or investigation of crimes committed by an organised group or a criminal association (criminal organisation), disclosure of other co-participants in crimes committed by a given organised group or a criminal association (criminal organisation).

3. Provided that conditions exist stipulated by the first and second parts of this Article, a person having committed a crime of a different category may be exempt from criminal liability only in cases specially stipulated by the relevant Articles of the Special Part of the present Code.

### **Article 66. Exemption from Criminal Liability in Case of Exceeding the Limits of Necessary Self-Defence**

A person, who exceeded the limits of necessary self-defence as a consequence of fear, fright, or confusion, which were caused by impingement dangerous to society, may be exempted by a court from criminal liability subject to circumstances of a given case.

### **Article 67. Release from Criminal Liability in Connection with the Reconciliation with the Victim**

1. A person who committed a crime of a lesser gravity or who committed a medium gravity crime for the first time, which is not related to causation of death or grievous harm to an individual's health, shall be subject to release from criminal liability, if that person reconciled himself with the victim and made good for the harm caused.
2. A person who committed a medium gravity crime, may be conditionally released from the criminal liability if he reconciled himself with the victim and made good for the harm caused to the victim.

### **Article 68. Exemption from Criminal Liability in Relation to a Change in a Given Situation**

1. A person, who committed an act containing elements of a crime, may be exempted by a court from criminal liability, if it is recognised that, by the time of consideration of a given case by a court, the act committed by him ceased to present danger to the society as a consequence of a change in a given situation.
2. A person having committed for the first time a crime of a lesser or medium gravity may be exempt by a court from criminal liability, if it is established that, by virtue of subsequent irreproachable behaviour, that person by the time of consideration of a given case by a court, may not be recognised as presenting a danger to society.

### **Article 69. Exemption from Criminal Liability in Relation to the Expiration of a Statutory Limitation Period**

1. A person shall be exempt from criminal liability if from the day of the commission of a crime, the following periods have expired:
  - a) two years from the commission of a crime of a lesser gravity;
  - b) five years from the commission of a crime of a medium gravity;
  - c) ten years from the commission of a grave crime;
  - d) fifteen years from the commission of an especially grave crime.
2. Limitation periods shall be calculated from the day of the commission of a given crime and until the moment of the entering of a court's judgment into legal force.
3. The running of the limitation periods shall be suspended if a person, having committed a crime, evades criminal investigation or arraignment by a court. In this respect, the statute of limitation period shall be resumed from the moment of detention of a given person or his pleading guilty to the police. In this respect, a person may be held criminally liable if twenty five years expired from the time of the commission of a crime, and if the limitation period was not interrupted.

4. The running of the statutory limitation period shall be interrupted if, prior to the expiration of the periods indicated in the first part of this Article, a person, having committed a grave or especially grave crime, commits a new deliberate crime. In such cases calculation of the statute of limitation period shall start anew from the day of the commission of that new crime. In other cases, if, prior to the expiration of a limitation period, a person commits a crime again, a limitation period with regard to each crime shall run independently.

5. A question on the application of a limitation period with regard to a person having committed a crime for which, under the present Code, capital punishment may be sentenced, shall be resolved by a court. If a court does not consider it possible to exempt a person from criminal liability due to the expiration of a limitation period, then capital punishment may not be sentenced. In this case a court shall sentence a criminal to deprivation of freedom for a period of up to twenty five years, or to a life-time deprivation of freedom.

6. The statute of limitation period shall not apply to persons who committed crimes against the peace and safety of humanity.

#### **Article 70. Conditional Release Ahead of Time from Serving Punishment**

1. A person serving correctional labour, restriction in military service, restriction of freedom, detention in a disciplinary military unit, or deprivation of freedom, may be conditionally released ahead of time, if a court recognises that for his correction that person does not need to completely serve the term of punishment sentenced by the court. In this respect, a person may be fully or partially released from enduring an additional type of punishment.

2. When applying conditional release ahead of time, a court may impose on a given convict the obligations specified in the first part of Article of the present Code, which must be executed by him during the remaining unserved term of punishment.

3. Conditional release ahead of time may be applied only after the actual endurance by a convict of the following:

a) not less than one third of the term of punishment sentenced for a crime of a lesser gravity or of medium gravity;

b) not less than a half of the term of punishment sentenced for a grave crime;

c) not less than two thirds of the term of punishment sentenced for an especially grave crime, as well as three quarters of a the term of punishment sentenced upon a person who earlier was conditionally released ahead of time, if that conditional release ahead of time was terminated on the bases stipulated by the seventh part of this Article.

4. A term of deprivation of freedom actually endured by a convict may not be less than six months.

5. A person serving life-time deprivation of freedom sentenced by a court may be conditionally released ahead of time, if a court recognises that he does not need the

subsequent endurance of that punishment, and actually served not less than twenty five years of deprivation of freedom.

6. Supervision of the behaviour of a person who was conditionally released ahead of time, shall be carried out by a special state body in the place of residence of the released authorised to do that, and with regard to military servicemen, by the commanding staff of military units and institutions.

7. If, during the remaining unserved term of punishment, a person to whom a conditional release ahead of time was applied committed:

a) a violation of public order for which an administrative punishment was imposed upon him, or if a person maliciously evaded the execution of obligations imposed upon him by a court in the application of a conditional release ahead of time, then the court, pursuant to a proposal from the bodies indicated in the sixth part of this Article, may pass a decision to cancel the conditional release ahead of time, and endurance of the remaining unserved term of punishment;

b) a crime by negligence, then the question of the cancellation or retention of a conditional release ahead of time shall be decided by a court when sentencing punishment for a new crime;

c) a deliberate crime, then a court shall sentence punishment upon him in accordance with the rules stipulated by Article 60 of the present Code. Under the same rules, punishment shall be sentenced in case of the commission of a crime by negligence, if a court abolishes the conditional release ahead of time.

8. Conditional release ahead of time shall not apply to a person for whom capital punishment was substituted for by deprivation of freedom through the procedure of a pardon.

### **Article 71. Substitution of an Unserved Term of Punishment for a More Lenient Type of Punishment**

1. For a person serving deprivation of freedom for a crime of a lesser gravity or, of medium gravity and grave crimes a court may substitute the remaining unserved term of punishment for a more lenient type of punishment, taking into consideration his behaviour during the endurance of punishment. In this respect, a person may be completely or partially released from the endurance of an additional type of punishment.

2. Unserved part of a punishment may be replaced with a more lenient type of a punishment after the actual serving by the convict of not less than one third of the punishment term for the commission of a lesser or medium gravity crime, of a half of the punishment term for grave crimes or by a person who previously had been conditionally released ahead of time from enduring a punishment in the form of deprivation of freedom and committed new crimes during the period of the remaining unserved part of the punishment.



3. In case of a substitution of an unserved term of punishment, a court may select any more lenient type of punishment in accordance with the types of punishment indicated in Article 39 of the present Code, within the limits stipulated by the present Code for each type of punishment.

### **Article 72. Postponement of Endurance of Punishment for Pregnant Women and Women Having Small Children**

1. For convicted pregnant women and women having child under fourteen years of age, except for women convicted and sentenced to deprivation of freedom for a period of more than five years for grave and especially grave crimes against a person, a court may postpone the endurance of punishment for a period of up to one year, or until the reaching by a child of fourteen years respectively.

2. In cases in which a convicted woman indicated in the first part of this Article, renounced her child, or continues evading the raising of her child, or continues violating public order after two written warnings issued by a body which is carrying out supervision of a given convict with regard to whom the endurance of punishment was postponed, a court may, pursuant to a proposal from that body, cancel the postponement and send a given convict for punishment to the place appointed in accordance with the court's judgment.

3. Upon the reaching by a child of eight years fourteen-year of age, or in case of his death, or in case of the discontinuation of a pregnancy, a court, depending upon the behaviour of a given convict, may release her from the endurance of punishment, or substitute sentenced punishment by a more lenient type of punishment, or pass a decision on the sending of a given convict to the relevant institution for endurance of punishment.

4. If during the period of postponement, a convict commits a new crime, a court shall sentence punishment upon her in accordance with the rules stipulated in Article 60 of the present Code.

### **Article 73. Release from Punishment Due to an Illness**

1. A person who, after the commission of a crime, became mentally ill which deprived him of a possibility to be aware of the actual character and danger to society of his acts (omission of acts) or to guide them, shall be exempt by a court from punishment, and such a person serving a sentence shall be exempt by a court from its further endurance. Upon such persons a court may sentence compulsory measures of a medical character stipulated by the present Code.

2. A person who suffers from another serious illness which impedes the serving of him of punishment, may be exempt by a court from serving punishment, or that punishment may be substituted for a more lenient type of punishment. In this respect, the gravity of a committed crime shall be taken into consideration, as well as personality of a given convict, the character of his illness, and other circumstances.

3. In case of their recovery, persons indicated in the first and second parts of this Article may be subject to criminal liability and punishment, unless the limitation periods expired which are stipulated by Articles 69 and 75 of the present Code.

4. Military servicemen sentenced to detention under arrest or detention in a disciplinary military unit, shall be exempt from punishment or its further endurance in case of an illness which makes them unsuitable for military service. An unserved term of punishment may also be substituted for them by a more lenient type of punishment.

#### **Article 74. Release from Punishment and Postponement of Serving of Punishment Due to Extraordinary Circumstances**

1. A person convicted of a crime of a lesser gravity or of medium gravity may be released by a court from punishment if its endurance may entail especially grave consequences for a given convict or his family due a fire or a natural disaster, serious illness, or death of the only family member capable of work, as well as due to other extraordinary circumstances.

2. For a person convicted and sentenced to deprivation of freedom for a grave or especially grave crime, a court may postpone the endurance of punishment for a period of up to three months provided that there are bases indicated in the first part of this Article.

#### **Article 75. Release from Endurance of Punishment Due to the Expiration of the Limitation Period for the Effect of an Incriminating Judgment**

1. A person convicted for a crime shall be released from the endurance of punishment if an incriminating judgment was not enforced within the following periods, counting from the day of its entering into legal force:

a) three years in case of conviction for a crime of a lesser gravity;

b) six years in case of conviction for a crime of a medium gravity;

c) ten years in case of conviction for a grave crime;

d) fifteen years in case of conviction for an especially grave crime.

2. The running of the limitation period shall be suspended if a convict evades the endurance of punishment. In this respect, the running of limitation periods shall be resumed from the moment of detention of a given person or his voluntary appearance to plead guilty. Limitation periods which have expired by the moment of evasion from the endurance of punishment by a given convict shall be subject to an offset. In this respect, a judgment of conviction for a crime may not be executed if twenty five years expired from the moment of its rendering, and the running of the limitation period was not interrupted by the commission of a new crime.

3. The running of the limitation period shall be interrupted if, prior to the expiration of periods indicated in the first part of this Article, a person commits a new deliberate crime. In such cases calculation of the limitation period shall start anew from the day of the commission of a new crime.

4. The issue of an application of the limitation period to a person convicted and sentenced to capital punishment or life-time deprivation of freedom shall be decided by a court. If a court does not consider it possible to apply the limitation period, capital punishment shall be substituted for life-time deprivation of freedom, and life-time deprivation of freedom shall be substituted for a period of twenty five years. To persons convicted for the commission of crimes against the peace and safety of humanity, limitation periods shall not apply.

#### **Article 76. Exemption from Criminal Liability and Punishment on the Basis of an Act of Amnesty or Pardon**

1. An act of amnesty shall be issued by the Parliament of the Republic of Kazakhstan with regard to a circle of persons who are not individually defined.

2. On the basis of an amnesty act, persons having committed crimes may be exempt from criminal liability. Persons convicted for the commission of a crime may be either exempt from punishment, or punishment sentenced upon them may be reduced or substituted for a more lenient type of punishment, or such persons may be exempt from an additional type of punishment. From persons who served punishment or are released from its further endurance, an amnesty act may remove a conviction.

3. An act of pardon of an individually defined person, with regard to whom an incriminating judgment came into legal force, shall be issued by the President of the Republic of Kazakhstan.

4. In case of a pardon, a person having been convicted for a crime may be exempt from further endurance of punishment, or punishment sentenced upon him may be reduced or substituted for a more lenient type of punishment. An act of pardon may remove a conviction from a person having served his punishment.

#### **Article 77. A Conviction**

1. A person convicted for the commission of a crime shall be considered convicted from the day of the entering of a court's incriminating judgment into legal force until the moment of exculpation or removal of a conviction. In accordance with the present Code, a conviction shall be taken into consideration in case of a repetition of crime, criminal recidivism, and when appointing punishment.

2. A person exempt from punishment shall be recognised as not having a conviction.

3. A conviction shall be exculpated as follows:

a) with regard to persons convicted with a suspended sentence, upon the expiration of their probation period;

b) with regard to military servicemen who served punishment in the form of detention in a disciplinary military unit, restriction in military service, or detention under arrest, upon actual endurance of punishment;

- c) with regard to persons convicted and sentenced to more lenient types of punishment than deprivation of freedom, upon the expiration of one year after the endurance of punishment;
- d) with regard to persons convicted and sentenced to deprivation of freedom for a crime of a lesser or medium gravity, upon the expiration of three years after the endurance of punishment;
- e) with regard to persons convicted and sentenced to deprivation of freedom for grave crimes, upon the expiration of six years after the endurance of punishment;
- f) with regard to persons convicted for especially grave crimes, upon the expiration of eight years after the endurance of punishment.

4. If, through the procedure established by legislation, a convict was exempt from the endurance of punishment or an unserved term was substituted for a more lenient type of punishment, then the period of exculpation of a conviction shall be calculated based on the actually served term of punishment from the moment of release from the endurance of the principal and additional types of punishment.

5. If a convict after the endurance of punishment behaved without reproach, then, pursuant to his petition, a court may remove a conviction from him prior to the expiration of a period for its exculpation.

6. If, prior to the expiration of the term of exculpation of his conviction, a given convict committed a new crime, then the running of a period after which a given conviction is to be exculpated, shall be interrupted. A period of exculpation of a conviction under the first crime shall be calculated anew after the actual endurance of the principal and additional punishment for the last crime. In these cases a person shall be considered convicted for both crimes prior to the expiration of the period for exculpation of a conviction for a crime which is the more grave of them.

7. Exculpation or removal of a conviction shall cancel all legal consequences associated with a conviction.

## **Section VI. Criminal Liability of Juveniles**

### **Article 78. Criminal Liability of Juveniles**

1. Juveniles, to whom the provisions of this Section apply, shall be considered as persons who, by the time of the commission of a given crime, reached fourteen years of age, but did not reach eighteen years of age.

2. Juveniles having committed crimes may be convicted and sentenced to punishment, or compulsory measures of educational character may be applied to them.

### **Article 79. Types of Punishment Sentenced upon Juveniles**

1. Types of punishment sentenced upon juveniles shall be as follows:

- a) a fine;
- b) deprivation of the right to engage in certain activity;
- c) engagement in public works:
- d) correctional labour;
- d-1) restriction of freedom;
- e) detention under arrest;
- f) deprivation of freedom.

2. A fine shall be imposed only on the condition that a given juvenile convict has independent salary or property against which a claim may be brought. A fine shall be imposed in an amount from ten to five hundred monthly assessment indices, or in an amount of wages or another income of a given juvenile for a period from two weeks up to six months.

3. Deprivation of the right to engage in certain type of activity shall be imposed upon juveniles for a period from one year up to two years.

4. Engagement in public works shall be sentenced for a period from forty up to one hundred and sixty hours, and it shall consist in the performance of work which is within powers of a given juvenile, and it shall be performed by him during the time free from study or the main job. Duration of this type of punishment for persons under sixteen years of age may not exceed two hours a day, and with regard to persons from sixteen to eighteen years of age, not more than three hours a week.

5. Correctional labour shall be upon a juvenile convict who reached sixteen years of age by the moment of passing a judgment by a court, for a period of up to one year.

5-1. Restriction of freedom shall be prescribed to juveniles for a period from one year to two years.

6. Detention under arrest shall be upon juvenile convicts who reached sixteen years of age by the moment of passing a judgment by a court, for a period from one month up to four months.

7. Deprivation of freedom to a juvenile may be prescribed for a period not more than ten years and for a murder under aggravating circumstances or based on a combination of crimes, where one is a murder with aggravating circumstances, twelve years. The persons who for the first time committed crimes of lesser gravity in the age of fourteen to eighteen years and of medium gravity in the age of fourteen to sixteen years, deprivation of freedom shall not be prescribed.

8. Deprivation of freedom shall be served by juvenile convicts as follows:

- a) by male juveniles, convicted for the first time and sentenced to deprivation of freedom, as well as by female juveniles, in educational settlements of a general regime;

b) by male juveniles who earlier served deprivation of freedom, in educational settlements of a reinforced regime.

9. Depending on the character and degree of a danger to society, personality of a given convict, and other circumstances of a given case, a court, with an indication of reasons for an adopted judgment, may sentence a juvenile convict of the male sex to the endurance of deprivation of freedom in an educational colony of a general regime.

10. A court may issue an instruction to the body which executes punishment, when dealing with a given juvenile convict, to take into account certain characteristics of his personality.

#### Article 80. Sentencing Punishment upon a Juvenile

1. When sentencing punishment upon a juvenile, aside from circumstances stipulated in Article 52 of the present Code, the conditions of his life and education shall be taken into consideration, along with the level of his mental development, and other special characteristics of his personality, as well as influence upon him of persons older than him.

2. Juvenile age as a mitigating circumstance shall be taken into consideration together with other mitigating and aggravating circumstances.

#### Article 81. Exemption of Juveniles from Punishment

A juvenile, who was convicted for the first time for the commission of a crime of lesser or medium gravity, may be exempt by a court from punishment, if it is recognised that his correction may be achieved by way of the use of compulsory measures of influence through education stipulated by Article 82 of the present Code.

#### Article 81. Release of Minors from a Criminal Responsibility and a Punishment

1. A minor convicted a crime of the small degree or committed for the first time a crime of the middle degree may be released by the court from the criminal responsibility if it is established that his correction is possible without making answerable under the criminal responsibility. In this case he may be applied compulsory measures of educational influence stipulated by Article 82 of this Code.

2. A minor for the first time convicted for the commission of a crime of the small or middle degree may be released by the court from the punishment if its is recognised that his correction can be achieved by application of compulsory measures of educational influence stipulated by Article 82 of this Code.

#### **Article 82. Compulsory Measures of Educational Character**

1. A court may impose upon a juvenile the following compulsory measures of an educational character:

a) warning;

- b) transfer under supervision of parents or persons substituting for them, or the supervision of a specialised state body;
  - c) imposition of an obligation to make amends for the damage inflicted;
  - d) restriction of leisure and establishment of other requirements on the behaviour of a juvenile;
  - e) placement in a special educational or medical-educational institution for juveniles.
2. Simultaneously several compulsory measures of an educational character may be imposed upon a juvenile.

### **Article 83. The Content of Compulsory Measures of Educational Influence**

1. A warning shall consist of an explanation to a juvenile of the damage inflicted by his act, and the consequences of repeated commission of crimes stipulated by the present Code.
2. Transfer under supervision shall consist of the imposition upon parents or persons substituting for them, or upon a specialised state body, of an obligation to have an educational influence upon a juvenile and supervision of his behaviour.
3. An obligation to make up for the inflicted damage shall be imposed subject to the property status of a given juvenile, and the possession by him of the relevant work skills.
4. Restriction of leisure and establishment of special requirements upon the behaviour of a juvenile may stipulate a prohibition on visiting certain places, on the use of certain forms of leisure, including those associated with the operation of a mechanical transportation vehicle, as well as a restriction on staying outside the home after a certain times of day, and exit to other locations without the permission of the specialised state body. A juvenile may also be subject to requirement to return to an educational institution, to continue or finish education, or to find a job with the help of the specialised state body. This list shall not be comprehensive.
5. Placement in a special educational or medical-educational institution for a period from six months up to two years may be sentenced by a court upon a juvenile who committed a deliberate crime of medium gravity. Staying in the said institutions may be terminated ahead of time due to the reaching by a person of the age of majority, as well as if, on the basis of a report from the specialised state body providing for the correction, a court comes to the conclusion that a given juvenile for his correction does not need the application of this measure.
6. Extension of the stay in a special educational or medical-educational institution for juveniles after the expiration of a period stipulated by the fifth part of this Article shall be permitted only in the case of the necessity for a given juvenile to complete secondary education or professional training, but not longer than until he reaches the age of majority.

7. The procedure and conditions of staying of juveniles in special educational and medical-educational institutions shall be defined by legislation.

#### **Article 84. Conditional Release of Juveniles Ahead of Time from Endurance of Punishment**

Conditional release ahead of time from endurance of punishment may be applied to persons convicted and sentenced to deprivation of freedom or correctional labour for the commission of a crime at a minor age after the actual endurance of the following:

- a) not less than one third fourth of the term of punishment sentenced by a court for a crime of lesser or medium gravity;
- b) not less than a half one third of the term of punishment sentenced by a court for a grave crime;
- c) not less than two thirds half of the term sentenced by a court for an especially grave crime not connected with the making an attempt on the life of a man;
- d) not less than two thirds of the punishment established by the court for a specially grave crime connected with the making an attempt on the life of a man.

#### **Article 85. Limitation Periods**

In case of exemption of juveniles from criminal liability or endurance of punishment, limitation periods stipulated by Articles 69 and 75 of the present Code shall be reduced by half.

#### **Article 86. Terms of Exculpation of a Conviction**

For persons having committed a crime before reaching the age of eighteen, the terms for exculpation of a conviction stipulated by Article 77 of the present Code shall be reduced, and shall be equal respectively to the following:

- a) four months after the endurance of more lenient types of punishment than deprivation of freedom;
- b) one year after the endurance of deprivation of freedom for a crime of lesser or medium gravity;
- c) three years after the endurance of deprivation of freedom for a grave or especially grave crime.

#### **Article 87. Application of the Provisions of the This Section to Persons Aged from Eighteen to Twenty Years**

In exceptional cases, subject to the character of a committed crime and the personality of a convict, a court may apply the provisions of the present section to persons having committed



a crime at an age from eighteen to twenty years, except for their placement in a special educational or medical-educational institution for juveniles.

## **Section VII. Compulsory Measures of a Medical Character**

### **Article 88. The Bases for Application of Compulsory Measures of a Medical Character**

1. Compulsory measures of a medical character may be established by a court upon the following persons:

a) those who committed acts stipulated by articles of the Special Part of the present Code in a state of insanity;

b) those who, after the commission of a crime, acquired a mental disorder which made it impossible to sentence them or for them to endure punishment;

c) those who committed a crime and suffer from changeable mental disorders, but have not been found to be insane;

d) those who committed a crime and are recognised as needing treatment from alcoholism or drug addiction, or addiction to toxic chemicals.

2. For persons indicated in the first part of this Article, compulsory measures of a medical character shall be established only in cases in which mental disorders are associated with a possibility of causation by those persons of other considerable damage, or a danger for themselves or other persons.

3. The procedure for execution of compulsory measures of a medical character shall be defined by the Criminal Executory Code and legislation on health protection of the Republic of Kazakhstan.

4. With regard to persons indicated in the first part of this Article and who do not present a danger in their mental state, a court may transfer necessary materials to health protection bodies for resolving the issue of treatment of those persons, or their transfer to psycho-neurological institutions, through the procedure stipulated by legislation of the Republic of Kazakhstan on health protection.

### **Article 89. The Purposes for which Compulsory Measures of a Medical Character are Applied**

Treatment of persons indicate in the first part of Article 88 of the present Code, or improvement of their mental state, shall be the purposes for which compulsory measures of a medical character shall be applied, as well as prevention of the commission by them of new acts stipulated by articles of the Special Part of the present Code.

### **Article 90. Types of Compulsory Measures of a Medical Character**

1. A court may establish the following types of compulsory measures of a medical character:

- a) outpatient compulsory observation and treatment by a psychiatrist;
- b) compulsory treatment in a psychiatric inpatient hospital of a general type;
- c) compulsory treatment in a psychiatric inpatient hospital of a specialised type;
- d) compulsory treatment in a psychiatric inpatient hospital of a specialised type with intensive observation.

2. For persons convicted for crimes committed in a state of sanity, but who need treatment from alcoholism, drug addiction (addition to toxic chemicals), or treatment of mental disorders not excluding sanity, a court, along with punishment, may establish compulsory measures of a medical character in the form of outpatient compulsory observation and treatment by a psychiatrist.

### **Article 91. Outpatient Compulsory Observation and Treatment by a Psychiatrist**

Outpatient compulsory observation and treatment by a psychiatrist may be established upon the existence of the bases stipulated by Article 88 of the present Code, if a person due to his mental state, does not need placement in a inpatient psychiatric hospital.

### **Article 92. Compulsory Treatment in an Inpatient Psychiatric Hospital**

1. Compulsory treatment in an inpatient psychiatric hospital may be imposed upon the existence of the bases stipulated by Article 88 of the present Code, if the character of a person's mental disorder requires such conditions of treatment, care, maintenance, and observation, which may be carried out only in an inpatient psychiatric hospital.

2. Compulsory treatment in an inpatient psychiatric hospital of a general type may be imposed upon a person who, due to his mental state, and the character of the committed act which was dangerous to society, needs inpatient hospital treatment and observation, but does not need intensive observation.

3. Compulsory treatment in an inpatient psychiatric hospital of a specialised type may be imposed upon a person who, due to his mental state and the character of the committed act which was dangerous to society, needs permanent observation.

4. Compulsory treatment in an inpatient psychiatric hospital of a specialised type with intensive observation may be imposed upon a person who, due to his mental state and the character of the committed act which was dangerous to society, presents a special danger to himself or other persons, and requires permanent and intensive observation.

### **Article 93. Extension, Change, and Termination of the Application of Compulsory Measures of a Medical Character**

1. Extension, change, or termination of the application of compulsory measures of a medical character shall be carried out by a court, pursuant to a proposal from the administration of a

given institution carrying out compulsory treatment, on the basis of a report of a commission of psychiatrists.

2. A person upon whom a compulsory measure of a medical character is imposed shall be subject to certification by a commission of psychiatrists not less frequently than once every six months in order to decide on whether bases exist for the submission of a proposal to a court on the termination or change of such a measure. In the absence of bases for the termination of the application, or the changing of a compulsory measure of a medical character, the administration of a given institution carrying out compulsory treatment shall submit to a court a report on the extension of compulsory treatment. The first extension of compulsory treatment may be carried out upon the expiration of six months from the moment of the beginning of treatment, and a subsequent extension of compulsory treatment shall be carried out annually.

3. Changing or termination of a compulsory measure of a medical character shall be carried out by a court in case there is such a change in the mental state of a given person, that the need no longer exists to apply the earlier imposed measure, or the need arises for the application of another compulsory measure of a medical character.

4. In case of the termination of the application of compulsory treatment in an inpatient psychiatric hospital, a court may transfer the necessary materials with regard to a person who was undergoing compulsory treatment to the health protection bodies in order to decide the issue of his treatment or transfer to a psycho-neurological institution through the procedure stipulated by legislation on health protection.

#### **Article 94. Sentencing Punishment after the Application of Compulsory Measures of a Medical Character**

1. Upon a person who, after the commission of a crime or during the serving of punishment, fell ill with a mental disorder which deprived him of the capability to be aware of his acts or to guide them, a court may sentence punishment after his treatment if the limitation periods did not expire, or if there are no bases for his exemption from criminal liability and punishment.

2. In case of the recovery of a person who fell ill with a mental disorder after the commission of a crime, when sentencing punishment or resuming its running, the time during which compulsory treatment in an inpatient psychiatric hospital was applied to a given person shall be offset from the term of punishment on the basis of one day of staying in a inpatient psychiatric hospital for one day of deprivation of freedom.

#### **Article 95. Compulsory Measures of a Medical Character Combined with the Endurance of Punishment**

1. In cases stipulated by paragraphs c) and e) of the first part of Article 88 of the present Code, compulsory measures of a medical character shall take place in the place of imprisonment, and with regard to those convicted and sentenced to other types of

punishment, in institutions of the health protection bodies which render outpatient psychiatric assistance.

2. In case of a change in the mental state of a convict which requires inpatient treatment, the placement of a given convict to an inpatient psychiatric hospital or another medical institution shall be carried out through the procedure and on the bases stipulated by legislation of the Republic of Kazakhstan on health protection.

3. The time spent in said institutions shall be offset from the term of punishment. In case the need for further treatment of a convict in said institutions ceases to exist, release from them shall be carried out through the procedure stipulated by legislation of the Republic of Kazakhstan on health protection.

4. Termination of the application of a compulsory measure of a medical character combined with the endurance of punishment shall be carried out by a court, pursuant to a proposal from the body executing punishment, on the basis of a report from a commission of psychiatrists.

## **THE SPECIAL PART**

### **Chapter 1. Crimes Against a Person**

#### **Article 96. A Murder**

1. A murder, that is, the illegal deliberate causation of the death of another person, shall be punished by deprivation of freedom for a period from six to fifteen years.

2. A murder :

a) of two or more persons;

b) of a person and his relatives, in relation to the execution by that person of his official activity or the performance of professional or public duty;

c) of a person who was in a helpless state, a given convict being aware of that fact, as well as a murder associated with a kidnapping or seizure of a hostage;

d) of a woman who was pregnant, a given convict being aware of that fact;

e) committed with especial brutality;

f) committed by a method dangerous to the lives of many people;

g) committed by group of persons, group of persons upon a preliminary collusion or an organised group;

h) committed for avaricious or venal motives, as well as for hire or combined with brigandage, extortion or banditism;

i) committed for motives of hooliganism;

j) committed for the purpose of concealing another crime, or to facilitate its commission, as well as a murder combined with rape or forcible actions of a sexual character;

k) for a motive of social, national, racial, or religious hatred, enmity, or vendetta;

l) committed for the purpose of the use of the organs or tissues of a victim;

m) committed by a person who earlier had committed a murder, except for acts stipulated by Articles 97-100 of the present Code, -

shall be punished by deprivation of freedom for a period from ten up to twenty years with the forfeiture of property or without it, or by capital punishment with the forfeiture of property or without it, or by life-time deprivation of freedom with the forfeiture of property or without it.

#### **Article 97. A Murder by a Mother of a Newborn Baby**

A murder by a mother of her newborn baby, either during delivery or in the subsequent period, which is committed in conditions of a mentally traumatizing situation or in a state of a mental disorder, but not legal insanity, -

shall be punished by a restriction of freedom for a period up to four years or deprivation of freedom for the same period.

#### **Article 98. A Murder Committed in an Emotional State**

1. A murder committed in a strongly emotional state (affect) which suddenly emerged, which is caused by violence, mockery, or a grave insult, or by other illegal or immoral acts (omission of acts) by a victim, as well as that which is caused by a protracted mentally traumatizing situation, which emerged in relation to the systematic unlawful or amoral behaviour of a victim,

shall be punished by restriction of freedom for a period up to three years or detention under arrest for a period up to six months, or deprivation of freedom for a period up to three years.

2. A murder of two or more persons committed under circumstances indicated in the first part of this Article shall be punished by deprivation of freedom for a period up to five years.

#### **Article 99. A Murder Committed Exceeding the Limits of Necessary Self- Defence**

A murder committed exceeding the limits of necessary self-defence, -

shall be punished by a restriction of freedom for a period up to two years, or by deprivation of freedom for the same period.

#### **Article 100. A Murder Committed Exceeding the Measures Necessary for Detention of a Person Having Committed a Crime**

A murder committed exceeding the measures necessary for detention of a person having committed a crime, -

shall be punished by restriction of freedom for a period up to three years, or by deprivation of freedom for the same period.

#### **Article 101. Causation of Death by Negligence**

1. Causation of death of negligence shall be punished by a restriction of freedom for a period up to three years, or by deprivation of freedom for the same period.

2. Causation of death by negligence to two or more persons, -

shall be punished by restriction of freedom for a period up to five years, or by deprivation of freedom for the same period.

#### **Article 102. Driving Someone to Suicide**

1. Driving a person to suicide or to make a suicide attempt by way of threatening, cruel treatment or systematic humiliation of the human dignity of a victim, shall be punished by restriction of freedom for a period up to three years, or by deprivation of freedom for the same period.

2. The same act, committed against a person who was in complete material or other dependence upon the guilty person, -

shall be punished by restriction of freedom for a period up to five years or deprivation of freedom for the same period.

#### **Article 103. Deliberate Causation of Serious Damage to Health**

1. The deliberate causation of serious damage to health which is dangerous to a person's life, or which entailed a loss of eyesight, hearing, or a certain organ, or a loss by an organ of its functions, or which inflicted a permanent facial disfigurement, as well as causation of other damage to health which is dangerous to life, or which entailed a decline in health, combined with a considerable loss of general work capacity by not less than one third, or the complete loss of professional capacity, the guilty person being aware of that fact, or which entailed discontinuation of pregnancy, a mental disorder, causation of drug addiction or addiction to toxic chemicals, -

shall be punished by deprivation of freedom for a period from three up to seven years.

2. The same act committed:

a) with regard to two or more persons;

b) with regard to a person or his relatives in relation to the performance by that person of his official activity or the performance of his professional or public duty;

c) with regard to a person who was in a helpless state, the guilty person being aware of that fact, as well as which is combined with kidnapping or seizure of a hostage;

d) with extreme brutality;

- e) by an organised group;
- f) for hire;
- g) for motives of hooliganism;
- h) for a motive of social, national, racial, or religious hatred or enmity;
- i) for the purpose of using organs or tissues of a victim;
- j) repeatedly or by a person who earlier had committed a murder stipulated by Article 96 of the present Code, -

shall be punished by deprivation of freedom for a period from four to eight years.

3. Acts stipulated by the first and second part of this Article, which entailed a victim's death by negligence, -

shall be punished by deprivation of freedom for a period from five to ten years.

#### **Article 104. Deliberate Causation of Damage to Health of Medium Gravity**

1. The deliberate causation of damage to health of medium gravity that is not dangerous to a person's life, and did not entail consequences indicated in Article 103 of the present Code, but which caused a lasting decline in health, or a considerable long-term loss of general work capacity by not less than one third, -

shall be punished by detention under arrest for a period from three to six months, or by deprivation of freedom for a period up to three years.

shall be punished by restriction of liberty for the period of up to three years or by arrest for up to six months, or by deprivation of liberty for the period of up to three years.

2. The same act committed:

- a) with regard to two or more persons;
- b) with regard to a person or his relatives in relation to the performance by that person of his official activity or the performance of his professional or public duty;
- c) with exceptional brutality, as well as with regard to a person who was in a helpless state, the guilty person being aware of that fact;
- d) by an organised group;
- e) for motives of hooliganism;
- f) for a motive of social, national, racial, or religious hatred or enmity;
- g) repeatedly or by a person who earlier deliberately caused grave damage to health or a murder stipulated by Article 96 of the present Code, -

shall be punished by deprivation of freedom for a period up to five years.

shall be punished by restriction of liberty for the period of up to five years or by deprivation of liberty for the same period.

### **Article 105. Deliberate Causation of Light Damage to Health**

The deliberate causation of light damage to health, which entailed a short-term health disorder, or a slight but stable loss of general work capacity, -

shall be punished by a fine in an amount from fifty to one hundred and fifty monthly assessment indices, or in an amount of wages or other income of a guilty person for a period up to three months, or by engagement in public works for a period from one hundred and eighty to two hundred and forty hours, or by correctional labour for a period up to one year, or by detention under arrest for a period up to three months.

### **Article 106. Beating**

Beating or the commission of other violent actions which caused physical pain, but did not entail the consequences stipulated by Article 105 of the present Code, -

shall be punished by a fine in an amount up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period of one month, or it shall be punished by engagement in public works for a period from one hundred up to one hundred and eighty hours, or by correctional labour for a period up to six months, or detention under arrest for one month.

### **Article 107. Torture**

1. The causation of physical or mental sufferings by way of systematic beating or by other violent actions, if it did not entail the consequences stipulated by Articles 103 and 104 of the present Code, -

shall be punished by a fine in an amount from fifty up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to six months, or detention under arrest for a period from three to six months, or by correctional labour for a period up to two years, or by deprivation of freedom for the same period.

2. The same act committed:

- a) with regard to a juvenile, or a person in a helpless state, or a person materially or otherwise dependent upon a given convict, the latter being aware of that, as well as with regard to a person kidnapped or seized as a hostage;
- b) with regard to two or more persons;
- c) with regard to a pregnant woman, a given convict being aware of that fact;
- d) with the application of torture;



e) for hire;

f) for motives of social, national, racial, or religious hatred or enmity, -

shall be punished by restriction of freedom for a period up to five years, or by deprivation of freedom for a period from three up to seven years.

#### **Article 108. Causation of Damage to Health in an Affected State**

1. Deliberate causation of damage of medium gravity to health committed when in a strongly emotional state (affect) which suddenly emerged, which was caused by violence, mockery, or a grave insult on behalf of a victim, or by other unlawful or immoral acts (omission of acts) of the victim, as well as by a protracted mentally traumatizing situation which arose in relation to systematic unlawful or immoral behaviour of a given victim,

shall be punished by a fine in an amount up to fifty monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to four months, or by restriction of freedom for a period up to one year, or by detention under arrest for a period up to three months.

2. Deliberate causation of serious damage to health, committed under the same circumstances, -

shall be punished by restriction of freedom for a period up to two years, or by detention under arrest for a period from three to six months, or by deprivation of freedom for a period up to two years.

#### **Article 108. Inflicting of Harm to the Health in the State of Passion**

The deliberate inflicting of serious harm to the health committed in the state of suddenly emerged strong emotional agitation (affect) caused by a violence, mockery or grave humiliation from the party of the victim or other unlawful or immoral actions (omission) of the victim, as well as by a long term situation traumatizing the state of mind occurred in connection with the system unlawful or immoral conduct of the victim

-shall be punished by restriction of liberty for the period of up to two years or by arrest for a period from three to six months, or by deprivation of liberty for the period of up to two years.

#### **Article 109. Causation of Severe Damage to Health While Exceeding the Limits of Necessary Self-Defence**

Deliberate causation of severe damage to health committed when exceeding the limits of necessary self-defence, -

shall be punished by restriction of freedom for a period up to one year, or by deprivation of freedom for the same period.

#### **Article 110. Causation of Severe Damage to Health When Detaining a Person Having Committed a Crime**

Deliberate causation of severe damage to health which is committed while exceeding measures necessary for the detention of a person having committed a crime, -

shall be punished by restriction of freedom for a period up to two years, or deprivation of freedom for the same period.

### **Article 111. Negligent Causation of Damage to Health**

1. Causation of severe damage to health due to negligence, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to three months, or by engagement in public works for a period from one hundred eighty up to two hundred hours, or by restriction of freedom for a period up to three years, or by detention under arrest for a period from three to six months.

2. Causation of severe damage to health by negligence to two or more persons, -

shall be punished by restriction of freedom for a period up to four years, or by deprivation of freedom for a period up to two years.

3. Causation by negligence of damage to health of medium gravity, -

shall be punished by a fine in an amount from fifty to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or by engagement in public works for a period from one hundred and twenty hours up to one hundred and eighty hours, by correctional labour for a period up to one year, or by restriction of freedom for a period up to two years, or by detention under arrest for a period up to three months.

4. Causation by negligence of damage to health of medium gravity to two or more persons, -

punished with a fine in an amount of fifty to two hundred monthly assessment indices or in amount of the wage or other income of the convict for the period from one to two months, or engaging in public work for a period from one hundred to two hundred hours, or restriction of freedom for a period up to three years, or arrest for a period from four to six months.

### **Article 112. Threatening**

Threatening to kill or to cause severe damage to health, as well as threatening a person with other severe violence, or with destruction of property by arson, explosion, or by another publicly dangerous method, if there are sufficient bases to fear the carrying out of that threat,

-

shall be punished by detention under arrest for a period from four to six months, or by restriction of freedom for a period up to two years, or by deprivation of freedom for the same period.

### **Article 113. Coercion to Extract Organs or Tissues of a Man for Their Transplantation or Other Use**

1. Coercion to extract organs or tissues of a man for their transplantation or other use, which is committed with violence or threats to apply it, -

shall be punished by deprivation of freedom for a period up to five years, with the deprivation of the right to hold certain positions or to engage in certain activity for a period up to three years or without it.

2. The same act committed:

a) with regard to a person who is in a helpless state or materially or otherwise dependent upon a given convict, the latter being aware of that;

b) with regard to a juvenile, a guilty party being aware of that fact;

c) with regard to two or more persons, -

shall be punished by deprivation of freedom for a period from three up to seven years.

3. The same acts stipulated by the first or the second part of this Article which entailed by negligence the death of a donor, or other serious consequences, -

shall be punished by deprivation of freedom for a period from five to ten years.

### **Article 114. Improper Performance of Professional Obligations by a Medical Worker**

1. A failure to perform or improper performance of professional obligations by a medical worker, as a result of a negligent or unconscientious attitude to those obligations, if those acts entailed the causation of the death upon a given person, -

shall be punished by restriction of freedom for a period up to five years, or deprivation of freedom for the same period, with deprivation of the right to hold certain positions or to engage in certain activities for a period up to three years or without it.

2. The same acts which entailed the causation of severe damage to health, -

shall be punished by restriction of freedom for a period up to four years, or by imprisonment for a period up to two years, with deprivation of the right to hold certain positions or to engage in certain activity for a period up to three years or without it.

3. Acts stipulated in the first part of this Article, which entailed the causation of damage to health of medium gravity, -

shall be punished with a fine in an amount from fifty to two hundred monthly assessment indices or in the amount of wages or other income of the convict for a period from two to five months, or correctional work for a period up to two years, or restriction of freedom for a period up to three years, or arrest for a period from four to sixth months, or deprivation of the

right to hold certain positions or engage in certain activities for a period up to three years or without such.

#### **Article 115. Infection with a Venereal Disease**

1. Infecting another person with a venereal disease, by a person who was aware of having the disease himself, -

shall be punished by a fine in an amount from one hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period from one year to two years, or restriction of freedom for a period up to two years, or be detention under arrest for a period up to six months

2. The same act committed with regard to two or more persons, or with regard to a juvenile, a guilty party being aware of that fact, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by deprivation of freedom for a period up to two years.

#### **Article 115. Infection with a Venereal Disease**

The infection with a venereal disease of another person caused serious consequences, as well as infection of two and more persons or knowing full well that the other person is a minor, by a person been aware of availability of that disease in him, -

shall be punished by a penalty in an amount from five hundred to one thousand monthly assessment indices or in the amount of wages or another income of the convict for a period from five to seven months or by deprivation of liberty for the period of up to two years.

#### **Article 116. Infection with the Virus of Human Immune Deficit (HIV/ AIDS)**

1. Placement of another person to a danger of infection with HIV/ AIDS, -

shall be punished by restriction of freedom for a period up to three years, or detention under arrest for a period up to six months, or deprivation of freedom for a period up to one year.

2. Infecting another person with HIV/ AIDS by a person who was aware of having this disease himself, -

shall be punished by deprivation of freedom for a period up to five years.

3. An act stipulated by the second part of this Article committed with regard to two or more persons, or with regard to a juvenile, a guilty party being aware of that fact, -

shall be punished by deprivation of freedom for a period up to eight years.

4. Infecting another person with HIV/ AIDS as a result of improper performance by a medical worker, as well as by an employee of an organisation for everyday service and other servicing of the population, of their professional obligations, -

shall be punished by imprisonment for a period up to five years, with deprivation of the right to hold certain positions, or to engage in certain activity for a period up to three years.

#### **Article 117. Illegal Performance of an Abortion**

1. The performance of an abortion by a person who does not have a higher medical education of the relevant profile, -

shall be punished by a fine in an amount up to five hundred monthly assessment indices, or in an amount of wages or other income of the convict for a period up to six months, or by correctional labour for a period up to two years, or by restriction of freedom for the same period or arrest for a period up to six months.

2. Illegal performance of an abortion by a person who has a higher medical education of the relevant profile, -

shall be punished by a fine in an amount up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to six months, or by correctional labour for a period up to two years, or by restriction of freedom for the same period or arrest for a period up to four months.

3. The same act committed by a person who was earlier convicted for illegal performance of an abortion, -

shall be punished by restriction of freedom for a period up to three years, or detention under arrest for a period from four to six months, or by deprivation of freedom for a period up to three years.

4. Illegal performance of an abortion by a person having higher medical education of the relevant profile, as well as by a person who does not have such an education, if this act entailed the death of a victim due to negligence, or the infliction of severe damage to her health, -

shall be punished by deprivation of freedom for a period up to seven years, with deprivation of the right to hold certain positions, or to engage in certain types of activity for a period up to three years or without it.

#### **Article 118. A Failure to Render Help to an Ill Person**

1. A failure to render help to an ill person, without valid reasons, by a person obligated to render it in accordance with law or by a special rule, if that entailed the causation of damage of medium gravity due to negligence to the health of a given ill person, -

shall be punished by a fine in an amount from fifty up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to three months, or by correctional labour for a period up to one year, or by restriction of freedom for a period up to three years, with deprivation of the right to hold certain positions, or to engage in certain activity for a period up to two years, or without such deprivation.

2. The same act, if it entailed the death of an ill person due to negligence, or the causation of severe damage to his health, -

shall be punished by deprivation of freedom for a period of five years, with deprivation of the right to hold certain positions or to engage in certain activity for a period up to three years.

### **Article 119. Abandoning an Endangered Person**

1. The abandonment of a person without help, the guilty party being aware of this fact, in a state which is dangerous for life or health, if that person has no possibility to take measures of self-preservation due to minor age, old age, disease, or due to another helpless state, in cases in which a guilty party had an opportunity to have rendered assistance to that person, and was obliged to take care of that person, or in cases in which the guilty person himself put that person into a state which was dangerous for health or life, -

shall be punished by a fine in an amount from fifty up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to one year, or detention under arrest for a period up to three months.

2. The same act which, due to negligence, entailed the death of a person abandoned without help, or other grave consequences, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to ten months, or by detention under arrest for a period up to six months, or by deprivation of freedom for a period up to three years.

### **Article 120. Rape**

1. Rape, that is sexual intercourse accompanied by violence, or a threat of violence to a victim, or to other persons, or with the use of the helpless state of a victim, -

shall be punished by deprivation of freedom for a period from three to five years.

2. Rape:

a) committed by a group of persons, or group of persons upon a preliminary collusion, or by an organised group;

b) combined with a threat to kill, as well as committed with especial brutality with regard to a victim or to other persons;

c) which entailed infection of a victim with a venereal disease;

d) committed repeatedly or by a person who earlier committed violent acts of a sexual character;

e) of a juvenile, a given convict being aware of that fact, -

shall be punished by deprivation of freedom for a period from five] to ten years.

### 3. Rape:

a) which by negligence entailed the death of a victim;

b) which by negligence entailed the causation of severe damage to the victim's health, her infection with HIV/ AIDS, or other serious consequences;

c) of a victim who has not reached fourteen years of age, a given convict being aware of that fact;

d) with the use of conditions of social disaster, or in the course of mass unrest, -

shall be punished by deprivation of freedom for a period from eight to fifteen years.

### **Article 121. Violent Actions of a Sexual Character**

1. Sodomy, lesbianism, or other acts of a sexual character accompanied by violence or a threat of violence with regard to a given victim (male or female), or to other persons, or with the use of the helpless state of a given victim, -

shall be punished by deprivation of freedom for a period from three up to five years.

### 2. The same acts:

a) committed by a group of persons, a group upon a preliminary collusion, or by an organised group;

b) combined with a threat to kill, as well as those committed with special brutality with regard to a victim or to other persons;

c) which entailed an infection of a victim with a venereal disease;

d) committed repeatedly or by a person who earlier committed rape;

e) committed with regard to a juvenile person, a given convict being aware of that fact, -

shall be punished by deprivation of freedom for a period from five up to ten years.

### 3. Acts stipulated by the first and the second parts of this Article, if they:

- a) due to negligence, entailed the death of a given victim;
  - b) due to negligence, entailed the causation of severe damage to a victim's health, or his (her) infection with HIV/ AIDS, or other serious consequences;
  - c) were committed with regard to a person who did not reach fourteen years of age, a given convict being aware of that, -
- shall be punished by deprivation of freedom for a period from eight to fifteen years.

#### **Article 122. Sexual Intercourse and Other Actions of a Sexual Character with a Person Under Sixteen Years of Age**

Sexual intercourse, sodomy, or lesbianism or other acts of sexual nature, with a person who did not reach sixteen years of age, the guilty party being aware of that fact, -

shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period up to six months, or deprivation of freedom for a period up to five years.

#### **Article 123. Coercion into Sexual Intercourse, Sodomy, Lesbianism, or Other Actions of a Sexual Character**

Coercion of a person to engage in sexual intercourse, sodomy, lesbianism, or the commission of other actions of a sexual character by way of intimidation, threatening with destruction, damage, or withdrawal of property, or with the use of material or other dependence of a victim, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to two years, or be deprivation of freedom for a period up to two years.

#### **Article 124. Depravity Toward Minor Children**

The commission of depraved or lecherous actions without violence involving a person who did not reach fourteen years of age, a given convict being aware of that, -

shall be punished by restriction of freedom for a period up to four years, or by deprivation of freedom for the same period.

#### **Article 125. Kidnapping**

1. Kidnapping of a person, -

shall be punished by deprivation of freedom for a period from four to seven years.

2. The same act committed:

a) by a group of people upon a preliminary collusion;



- b) repeatedly;
- c) with violence which is dangerous for life or health;
- d) with the use of weapons or items used as weapons;
- e) with regard to a person under age, a given convict being aware of that;
- f) with regard to a pregnant woman, a given convict being aware of that fact;
- g) with regard to two or more persons;
- h) for avaricious or venal motives, -

shall be punished by deprivation of freedom for a period from seven up to twelve years, with forfeiture of property or without it.

3. Acts stipulated by the first or the second parts of this Article, if they:

- a) are committed by an organised group;
- b) are committed for the purpose of sexual or other exploitation of a kidnapped person;
- c) due to negligence entailed the death of a given victim or other grave consequences, -

shall be punished by deprivation of freedom for a period from ten up to fifteen years, with forfeiture of property or without it.

**Note.** A person who voluntarily released a kidnapped person shall be exempt from criminal liability, unless there are elements of another crime in his actions.

### **Article 126. Illegal Deprivation of Freedom**

1. Illegal deprivation of a person's freedom, which is not associated with his kidnapping, - shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period from three to six months, or by deprivation of freedom for a period up to three years.

2. The same act committed as follows:

- a) by a group of persons upon a preliminary collusion;
- b) repeatedly;
- c) with violence which is dangerous for life or health;
- d) with the use of weapons or items used as weapons;
- e) with regard to a person under age, a given convict being aware of that fact;
- f) with regard to a pregnant woman, a given convict being aware of that fact;

g) with regard to two or more persons;

h) for avaricious or venal motives, -

shall be punished by deprivation of freedom for a period up to five years, with forfeiture of property or without it.

3. Acts stipulated by the first or the second parts of this Article, if they:

a) are committed by an organised group;

b) are committed for the purpose of sexual or other exploitation of a person who was illegally deprived of freedom;

c) entailed, due to negligence, the death of a given victim or other grave consequences, -

shall be punished by deprivation of freedom for a period from five up to ten years, with forfeiture of property or without it.

### **Article 127. Illegal Placement into a Psychiatric Inpatient Hospital**

1. Illegal placement of a person in a psychiatric inpatient hospital, or illegal detention of a person there, -

shall be punished by deprivation of freedom for a period up to three years.

2. The same act, if it:

a) is committed for avaricious or venal motives;

b) is committed by a person with the use of his official position;

c) entailed, due to negligence, the death of a given victim or other grave consequences, -

shall be punished by deprivation of freedom for a period from three up to seven years, with deprivation of the right to hold certain positions or to engage in certain activity for a period up to three years or without it.

### **Article 128. Recruitment, As Well As Export and Transit of Persons for Exploitation**

1. Recruitment of persons, committed by way of deception, for the purpose of their sexual or other exploitation, -

shall be punished by a fine in an amount from one hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to two years, or restriction of freedom for a period up to two years, or detention under arrest for a period up to six months, or deprivation of freedom for a period up to one year.

2. The same act committed:

a) by a group of persons upon a preliminary collusion;

b) with regard to a juvenile, a given convict being aware of that, -

shall be punished by deprivation of freedom for a period up to five years.

3. Acts stipulated by the first or the second parts of this Article committed by an organised group, or committed for the purpose of export of recruited persons outside of the Republic of Kazakhstan, and equally export of people beyond the boundaries of Kazakhstan or carriage through the territory of Kazakhstan of people following from one foreign state to another, purposely for sexual or other exploitation -

shall be punished by deprivation of freedom for a period from three up to eight years, with forfeiture of property or without it.

### **Article 129. Libel and Slander**

1. Libel, that is the distribution of deliberately false information which is defaming to the honour and dignity or another person, or which undermines his reputation, -

shall be punished by a fine in an amount from one hundred up to two hundred fifty monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to one year.

2. Slander which is contained in a public speech, or in a publicly displayed work, or in mass information media, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period from one year up to two years, or by restriction of freedom for a period up to two years, or detention under arrest for a period up to six months.

3. Slander combined with an accusation of a person in the commission of a grave or an especially grave corruption crime, -

shall be punished by restriction of freedom for a period up to three years, or deprivation of freedom for the same period.

### **Article 130. Insult**

1. An insult, that is the debasement of the honour and dignity of another person, expressed in an obscene form, -

shall be punished by a fine up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or by engagement in

public works for a period up to one hundred twenty hours, or by correctional labour for a period up to six months.

2. An insult contained in a public speech, or in a publicly demonstrated work, or in the mass information media, -

shall be punished by a fine from one hundred up to four hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to four months, or by engagement in public works for a period up to one hundred eighty hours, or by correctional labour for a period up to one year, or by restriction of freedom for the same period.

## **Chapter 2. Crimes Against the Family and Juveniles**

### **Article 131. Involvement of a Juvenile in Criminal Activity**

1. Involvement of a juvenile in criminal activity by a person having reached eighteen years of age, -

shall be punished by deprivation of freedom for a period up to five years.

2. The same act committed by a parent, teacher, or other person to whom obligations are delegated of raising or educating a given juvenile, -

shall be punished by deprivation of freedom for a period up to six years, with deprivation of the right to hold certain positions or to engage in certain activity for a period up to three years or without it.

3. Acts stipulated by the first or the second parts of this Article committed with violence, or threatening with violence, -

shall be punished by deprivation of freedom for a period from two up to seven years.

4. Acts stipulated by the first, second, or third part of this Article, which are associated with the involvement of a juvenile into the commission of a grave or an especially grave crime, -

shall be punished by deprivation of freedom for a period from five up to eight years.

### **Article 132. Involvement of a Juvenile into the Commission of Anti-Social Acts**

1. Involvement of a juvenile in the non-medical use of drugs or other narcotic substances, or systematic use of alcohol, or into prostitution, vagrancy, or into begging, -

shall be punished by engagement in public works for a period from one hundred up to two hundred forty hours, or by correctional labour for a period from one year up to two years, or detention under arrest for a period up to six months, or deprivation of freedom for a period up to three years.

2. The same act committed by a parent, teacher, or another person, to whom obligations are delegated by law to raise or educate a given juvenile, -

shall be punished by restriction of freedom for a period up to three years, or detention under arrest for a period from four to six months, or by deprivation of freedom for a period up to five years, with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years or without it.

3. Acts stipulated by the first or the second part of this Article committed repeatedly, or with violence or threatening with violence, -

shall be punished by deprivation of freedom for a period up to six years.

### **Article 133. Trading in Juveniles**

1. Purchase-and-sale of a juvenile, or the commission of other transactions with regard to a juvenile in the form of his transfer or getting possession of him, shall be punished by deprivation of freedom for a period from two to seven years.

2. The same acts committed:

a) repeatedly;

b) with regard to two or more juveniles;

c) by a group of persons upon a preliminary collusion or by an organised group;

d) by a person with the use of his official position;

e) with illegal export of a juvenile outside of the Republic of Kazakhstan, or his illegal import into the Republic of Kazakhstan;

f) for the purpose of involvement of a given juvenile into the commission of a crime or other anti-social actions;

g) for the purpose of extraction of organs or tissues of a given juvenile for transplantation, -

shall be punished by deprivation of freedom for a period from three up to ten years, with forfeiture of property or without it.

3. Acts stipulated by the first or second part of this Article which entailed, due to negligence, the death of a given juvenile or other grave consequences, -

shall be punished by deprivation of freedom for a period from seven to fifteen years with forfeiture of property or without it.

### **Article 134. Substitution of a Child**

1. Deliberate substitution of a child, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period

from two to five months, or by correctional labour for a period up to two years, or by imprisonment for the same period.

2. The same act committed for venal or other base motives, -

shall be punished by imprisonment for a period from three to seven years.

#### **Article 135. Divulgence of Secret of Adoption**

Divulgence of a secret of adoption against the will of a given adopter, which is committed by a person obligated to keep the fact of adoption as a service or professional secret, or by another person for venal or base motives, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by correctional labour for a period up to two years, or by detention under arrest for a period up to six months, with deprivation of the right to hold certain positions or to engage in certain activity for a period up to three years, or without it.

#### **Article 136. Malicious Evasion from Payment of Funds for Maintenance of Children or Disabled Parents**

1. Malicious evasion by a parent for more than three months from payment, upon a court's decision, of funds for the maintenance of minor children, as well as disabled children having reached eighteen years of age, -

shall be punished with a fine in an amount from two hundred up to five hundred monthly assessment indices or in an amount of the wages or other income of the sentenced person for a period from two to five months, or engagement in public works for a period from one hundred twenty hours, or by correctional labour for a period up to two years, or by restriction of freedom for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years.

2. Malicious evasion of an employable person for more than three months of payment, upon a court's decision, of funds for the maintenance of his disabled parent, - shall be punished with a fine in an amount from two hundred up to five hundred monthly assessment indices or in an amount of the wages or other income of the sentenced person for a period from two to five months, or engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to two years, or by restriction of freedom for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years.

#### **Article 137. Non-Execution of Obligations to Raise an Underage Child**

Non-execution or improper execution of obligations associated with the raising of an underage child by his parent, or another person to whom these obligations are delegated, as well as by an educator or another employee of a given educational, pedagogic, medical, or

other institution, which is obligated to carry out supervision over underage children, if this act is combined with cruel treatment of a given underage person, -

shall be punished with a fine in an amount from fifty to one hundred monthly assessment indices or in amount of wages or other income of the convict for a period up to one month or engaging into public work for a period from one hundred to two hundred hours, or with correctional work for a period up to two years, or restriction of freedom for a period up to two years with deprivation of the right to hold certain positions or engage in certain activities for a period up to three years or without such.

### **Article 138. Improper Execution of Obligations to Provide for the Safety of Life and Health of Children**

1. Improper execution of obligations to provide for the safety of the life and health of a minor child by a person to whom such obligations are delegated by his service, or by a person executing such obligations under a special assignment, or by a person who voluntarily undertook such obligations, if it entailed by negligence the causation to a given minor child of severe or medium gravity damage to his health, -

shall be punished by a fine in an amount up to five thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from seven up to ten months, or by correctional labour for a period up to two years, or by imprisonment for the same period, with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

2. The same act, which entailed by negligence the death of a minor child, -

shall be punished by imprisonment for a period up to five years, with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

### **Article 139. Abuse of the Rights of a Guardian or a Fiduciary**

The abuse of a guardianship or fiduciary position for venal or other base purposes to the detriment of a given ward, or the deliberate abandonment of him without supervision or necessary help, which entailed considerable infringement upon the rights and legitimate interests of a given ward, -

shall be punished by a fine in an amount from fifty up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or by correctional labour for a period up to two years, or by restriction of freedom for a period up to two years, or imprisonment for the same period.

### **Article 140. Malicious Evasion from the Maintenance of a Disabled Spouse**

Malicious evasion for more than three months by a capable person from payment, pursuant to a court's decision, of funds for the maintenance of disabled spouse who needs material assistance, -

shall be punished with a fine in an amount from two hundred to five hundred monthly assessment indices or in an amount of wages or other income of the sentenced person for a period from two to five months, or engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to two years, or by restriction of freedom for a period up to two years, or by detention under arrest for a period up to six months.

### **Chapter 3. Crimes Against the Constitutional and Other Rights and Freedoms of a Man and a Citizen**

#### **Article 141. Violation of Equality of Citizens**

1. Direct or indirect restriction of the rights and freedoms of a man and a citizen based on motives of origin, social, official, or property status, sex, race, nationality, language, attitude towards religion, convictions, place of residence, or his belonging to public associations, or based on any other circumstances, -

shall be punished by a fine in an amount from two hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period up to three months, or by imprisonment for a period up to one year.

2. The same act committed by a person with the use of his official position, or by the head of a public association, -

shall be punished by a fine in an amount from five hundred up to two thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eight months, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years, with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

#### **Article 142. Infringement upon Privacy**

1. Illegal collection or distribution of information concerning the private life of a person, which constitutes his personal or family secret, without that person's consent, if these acts inflicted damage upon the rights and legitimate interests of a given victim, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to one year, or by detention under arrest for a period up to four months.

2. The same acts committed by a person with the use of his official position, as well as distribution of information indicated in the first part of this Article in a public speech, publicly demonstrated work, or in the mass information media, which entailed the same consequences, -



shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eight months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period from two to five years, or by detention under arrest for a period from four to six months.

**Article 143. Illegal Violation of Private Correspondence, Telephone Calls, and Mail, Telegraph, or Other Messages**

1. Illegal violation of the confidentiality of written correspondence, telephone calls, and mail, telegraph, or other messages of citizens, -

shall be punished by a fine in an amount from fifty up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to one year.

2. The same act committed by a person with the use of his service position, or special technical means intended for secret receipt of information, -

shall be punished by a fine in an amount from five hundred up to two thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to three months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period from two to five years, or by correctional labour for a period up to two years, or by detention under arrest for a period from two up to four months.

3. Illegal making, production, sale, or purchase for the purposes of sale, of special technical means intended for the secret receipt of information, -

shall be punished by a fine in an amount from five hundred up to two thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by restriction of freedom for a period up to three years, or by imprisonment for a period up to three years, with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

**Article 144. Divulgence of a Medical Secret**

1. Divulgence by a medical employee, without professional or official necessity, of information on the disease or results of a medical examination of a patient, -

shall be punished by a fine in an amount up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or by correctional labour for a period up to one year.

2. The same act which resulted in the communication of information on the existence of HIV/AIDS with a given person, -

shall be punished by a fine in an amount from one hundred up to three hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to three months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period from two to five years, or by correctional labour for a period up to two years.

3. Acts stipulated by the first or second parts of this Article, if they entailed serious consequences, -

shall be punished by imprisonment for a period up to three years, with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

### **Article 145. Infringement upon Inviolability of Housing**

1. Illegal entry into a house, against the will of a person residing in it, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to one year, or by detention under arrest for a period up to three months.

2. The same act committed with violence, or with a threat of its application, or committed by a group of persons, or at night time, or accompanied by illegal search, as well as illegal eviction from housing, -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period from two to four months, or by imprisonment for a period up to two years.

3. Acts stipulated by the first and second parts of this Article, committed by a person with the use of his official position, -

shall be punished by a fine in an amount from eight hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eight months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period from two to five years, or by detention under arrest for a period from four to six months, or by imprisonment for a period up to three years.

### **Article 146. Interference with Electoral Rights, or the Work of Electoral Commissions**

1. The prevention of the free exercise by a citizen of his electoral rights, or the right to participate in a referendum, as well as illegal interference in the work of electoral commissions, or commissions for the conducting of a referendum, and inhibition of voting, execution of obligations associated with registration of candidate, party lists, calculation of votes, or determination of results of voting at elections or a referendum, -

shall be punished by a fine in an amount from fifty up to one hundred monthly assessment indices, or in an amount of wages of other income of a given convict for a period up to one month, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to one year.

2. The same act:

- a) combined with a bribe, fraud, violence, or a threat of its application;
- b) committed by a person with the use of his office or official position;
- c) committed by a group of persons upon a preliminary collusion, or by an organised group;
- d) committed by way of violating the established procedure for the functioning of the electronic electoral system,

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages of other income of a given convict for a period from two to five months, or by correctional labour for a period from one year up to two years, or by detention under arrest for a period up to six months, or by restriction of freedom for a period up to five years, or imprisonment for the same period.

#### **Article 147. Falsification of Electoral Documents, Documents of a Referendum, or Fraudulent Calculation of Ballots**

1. Falsification of electoral documents or documents of referendum, the introduction of forged entries into signature lists or voting bulletins, deliberately incorrect calculation of ballots, or deliberately incorrect determination of results of elections or a referendum, or violation of the secret ballot, if these acts are committed by a fiduciary person of a nominated candidate for the Presidency of the Republic of Kazakhstan, or a fiduciary person of a candidate for the office of deputy, as well as by a member or an electoral commission, or the commission for conducting a referendum, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to two years, or by imprisonment for a period from four years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years or without it.

2. The same acts committed by way of violating the established procedure for the functioning of the electronic electoral system, -

shall be punished by deprivation of freedom for a period up to seven years.

#### **Article 148. Violation of Labour Legislation**

1. Illegal dismissal of an employee from work for personal motives, and non-execution of a court's decision on his restoration at work, as well as other violation of labour legislation

which entailed the causation of serious infringement upon the rights and legitimate interests of citizens, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages of other income of a given convict for a period from one to two months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period of five years.

2. An unmotivated refusal to accept a pregnant woman for work, or the unmotivated dismissal of a woman due to her pregnancy, or an unmotivated refusal to hire her for work, or an unmotivated dismissal from work of a woman having children under the age of three, based on these motives, as well as an unmotivated refusal to accept her for work, or an unmotivated dismissal from work of an underage person based on his minor age, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period of five years or correctional labour for a period up to two years.

3. Repeated delay by a person, who carries out managerial functions, of payment of wages in full volume and within the established periods in relation to the use of funds for other purposes, -

shall be punished by a fine in an amount from three hundred up to seven hundred monthly assessment indices, or in an amount of wages of other income of a given convict for a period from three to seven months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years.

### **Article 149. Infringement upon the Exercise of the Right of Free Conscience and Religion**

Impediments to the legal activity of religious organisations, or the carrying out of religious ceremonies, -

shall be punished by a fine in an amount from fifty up to two hundred monthly assessment indices or in an amount of wages or other income of a given convict for a period from one to three months, or by correctional labour for a period up to one year, or by detention under arrest for a period up to three months.

### **Article 150. Impediments to the Activity of Public Associations**

Impediments to the legal activity of public associations by an official with the use of his service position, as well as interference with the legal activity of such associations, created by an official with the use of his service position, which entailed serious violation of their rights and legitimate interests, -

shall be punished by a fine in an amount from one hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one month up to five months, or by correctional labour for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to three years.

**Article 151. Infringement upon the Right to Hold of a Rally, Meeting, Demonstration, March, Picketing, or Participation in Them**

An illegal impediment to the holding of a rally, meeting, demonstration, march, or picketing, or participation in them, or coercion to participate in them, if these acts are committed by an official with the use of his service position, or with violence or a threat of its application, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages of other income of a given convict for a period from five to seven months, or by correctional labour for a period up to two years, or by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

**Article 152. Violation of the Rules of Labour Safety**

1. Violation of technical safety rules, or industrial sanitation, or other rules of labour safety, committed by a person who bears obligations to organise or provide for the compliance with those rules, which entailed by negligence the causation of severe or medium gravity damage to health, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to two years, or by imprisonment for the same period with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

2. The same act which entailed by negligence the death of a person, -

shall be punished by imprisonment for a period up to five years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years or without it.

**Article 153. Coercion into Participation in a Strike, or into Refusal to Participate in a Strike**

Coercion into participate in a strike, or into refusal to participate in a legal strike, committed by a person with the use of his official position, or by way of violence or a threat to apply it, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages of other income of a given convict for a period from five to seven months, or by correctional labour for a period up to two years, or by

imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years or without it.

#### **Article 154. Refusal to Provide Information to a Citizen**

Illegal refusal of an official to provide documents and materials collected through the established procedure, which directly pertain to the rights and freedoms of a given citizen, or the providing to such a citizen of incomplete or deliberately false information, if such acts were detrimental to the rights and legitimate interests of citizens, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period from two to five years.

#### **Article 155. Interference in the Legal Professional Activity of a Journalist**

1. The creation of impediments to the conduct of the legal professional activity of a journalist, by way of coercing him to distribute, or to refuse to distribute information, -

shall be punished by a fine in an amount from fifty up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or by engagement in public works for a period up to one hundred eighty hours, or by correctional labour for a period up to one year.

2. The same act committed by a person with the use of his official position, as well as with violence or a threat to apply it, -

shall be punished by correctional labour for a period up to two years, or by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years or without it.

### **Chapter 4. Crimes Against Peace and Safety of Mankind**

#### **Article 156. Planning, Preparation, Starting, or Waging an Aggressive War**

1. Planning, preparation, or starting an aggressive war, -

shall be punished by imprisonment for a period from seven to twelve years.

2. Conducting an aggressive war shall be punished by imprisonment for a period from ten up to twenty years, or by capital punishment, or by life-time imprisonment.

#### **Article 157. Propaganda and Public Calls for Unleashing an Aggressive War**

1. Propaganda and public exhortations to unleash an aggressive war, -

shall be punished by a fine in an amount up to three thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from three to nine months, or by imprisonment for a period up to three years.

2. The same acts committed with the use of the mass information media, or by an official holding a responsible position, -

shall be punished by a fine in an amount up to five thousand monthly assessment indices, or in an amount of wages of other income of a given convict for a period from six months up to one year, or by imprisonment for a period from two to five years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

#### **Article 158. Production or Distribution of Weapons of Mass Destruction**

Production, purchase, or sale of chemical, biological, as well other types of weapons of mass destruction, prohibited by an international treaty of the Republic of Kazakhstan, -

shall be punished by imprisonment for a period from five to ten years.

#### **Article 159. Application of Prohibited Means and Methods of Conducting a War**

1. Brutal treatment of prisoners of war, or the civil population, deportation of the civil population, looting of national property on occupied territories, application in a military conflict of means and methods prohibited by an international treaties of the Republic of Kazakhstan, -

shall be punished by imprisonment for a period up to twelve years.

2. The use of weapons of mass destruction prohibited by an international treaty of the Republic of Kazakhstan, -

shall be punished by imprisonment for a period from ten to twenty years, or by capital punishment or life-time imprisonment.

#### **Article 160. Genocide**

Genocide, that is deliberate acts aimed at complete or partial destruction of a national, ethnic, racial, or religious group by murdering members of such a group, the causation of severe damage to their health, forcible prohibition of the birth of children, forcible transfer of children, forcible migration or the creation of other conditions of life which lead to destruction of members of a given group, -

shall be punished by imprisonment for a period from ten to twenty years, or by capital punishment or life-time imprisonment.

#### **Article 161. Ecocide**

Mass destruction of flora or fauna, poisoning the atmosphere, land or water resources, as well as the commission of other acts which caused or a capable of causation of an ecological catastrophe, -

shall be punished by imprisonment for a period from ten to fifteen years.

#### **Article 162. Employment of Mercenaries**

1. Enlistment, training, financing, or other material support of a mercenary, as well as the use of him in a military conflict or military actions, -

shall be punished by imprisonment for a period from four to eight years.

2. The same acts committed by a person with the use of his official position or with regard to an underage person, -

shall be punished by imprisonment for a period from seven to fifteen years with forfeiture of property, or without it.

3. Participation of a mercenary in a military conflict or military actions, -

shall be punished by imprisonment for a period from three to seven years.

4. The act stipulated by the third part of this Article which entailed the death of people or other grave consequences, -

shall be punished by imprisonment for a period from ten to twenty years with forfeiture of property, or life-time imprisonment with forfeiture of property.

**Note.** A person shall be recognised as a mercenary, who acts for the purposes of receiving material remuneration or other personal benefit, and who is not a citizen of the state participating in a military conflict, who does not permanently reside on the its territory, and who is not sent by other state for the execution of his official obligations.

#### **Article 163. Assault on Persons or Organisations Enjoying International Protection**

1. Assault on a representative of a foreign state or an employee of an international organisation who enjoys international protection, or his family members residing together with him, as well as on service or residential premises or transport vehicles of persons who enjoy international protection, as well as abduction or forcible deprivation of freedom of those persons, if these acts are committed for the purpose of provoking a war or complicating international relations, -

shall be punished by imprisonment for a period from three to eight years with forfeiture of property, or without it.

2. The same acts committed repeatedly, or with the use of weapons, or upon a preliminary collusion by a group of persons, or associated with the causation of severe damage to health, or acts which entailed by negligence the death of a person, -

shall be punished by imprisonment for a period from ten to fifteen years with forfeiture of property, or without it.

#### **Article 164. Incitement of Social, National, Tribal, Racial, or Religious Enmity**

1. Deliberate actions aimed at the incitement of social, national, tribal, racial, or religious enmity or antagonism, or at offense to the national honour and dignity, or religious feelings



of citizens, as well as propaganda of exclusiveness, superiority, or inferiority of citizens based on their attitude towards religion, or their genetic or racial belonging, if these acts are committed publicly or with the use of the mass information media, -

shall be punished by a fine in an amount up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to ten months, or by detention under arrest for a period up to six months, or by correctional labour for a period up to two years or deprivation of freedom for period up to five years.

2. The same acts committed by a group of persons or committed repeatedly, or combined with violence or a threat to apply it, as well as committed by a person with the use of his official position, or by the head of a public association, -

shall be punished by a fine in an amount from five hundred to three thousand /monthly assessment indices, or in an amount of wages or other income of a given convict for a period from, five months up to one year or by restriction of freedom for a period up to four years, or by imprisonment for a period from two to six years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

3. The acts stipulated by the first and second parts of this Article which entailed serious consequences,

shall be punished by imprisonment for a period from three to ten years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

## **Chapter 5. Crimes Against the Basis of the Constitutional Order and the Safety of the State**

### **Article 165. High Treason**

High treason, that is a deliberate act committed by a citizen of the Republic of Kazakhstan for a purpose of disruption or weakening the external safety and sovereignty of the Republic of Kazakhstan, which was expressed in the taking of the enemy side during a war or a military conflict, as well as in espionage, divulgence of state secrets, or other rendering of assistance to a foreign state, foreign organisations, or their representatives in the conducting hostile activity against the Republic of Kazakhstan, -

shall be punished by imprisonment for a period from ten to fifteen years with forfeiture of property or without it, and, during a war or in a military situation under aggravating circumstances, by imprisonment for a period up to twenty years, or by capital punishment with forfeiture of property, or without it, or by life-time imprisonment with forfeiture of property, or without it.

**Note.** A person having committed crimes stipulated by this Article, as well as by Articles 166 and 168 of the present Code, shall be exempt from criminal liability, if he, by voluntary and

timely communication to the state bodies, or by another method contributed to the prevention of the emergence of damage to the interests of the Republic of Kazakhstan, and if his acts do not contain elements of another crime.

### **Article 166. Espionage**

Transfer of information, as well as its collection, theft, or storage for the purpose of transfer to a foreign state, foreign organisation, or their representatives, which constitutes, state secrets, as well as transfer or collection of other information, upon an assignment from a foreign intelligence service, for its use to the detriment of the external safety of sovereignty of the Republic of Kazakhstan, if these acts are committed by a foreign citizen or a stateless person, -

shall be punished by imprisonment for a period from ten to fifteen years with forfeiture of property, or without it.

### **Article 167. Attempt Upon the Life of the President of the Republic of Kazakhstan**

An attempt upon the life of the President of the Republic of Kazakhstan, committed for the purposes of termination of his state activity or out of revenge for such activity, -

shall be punished by deprivation of freedom for a period from fifteen to twenty years, or by capital punishment or life-time deprivation of freedom.

### **Article 168. Forcible Seizure of Power or Forcible Retention of Power**

Actions aimed at forcible seizure of power or forcible retention of power in violation of the Constitution of the Republic of Kazakhstan, as well as actions aimed at the forcible changing of the constitutional order of the Republic of Kazakhstan, shall be punished by imprisonment for a period from ten to fifteen years.

### **Article 168. A Forcible Seizure of Power or Forcible Keeping of Power or Performance by Representatives of a Foreign State or a Foreign Organisation of Powers Being in the Competence of Authorised Bodies and Officials of the Republic of Kazakhstan**

1. Actions directed to a forcible seizure of power or forcible keeping of power in violation of the Constitution of the Republic of Kazakhstan, as well as directed to a forcible change of the constitutional order of the Republic of Kazakhstan, -

shall be punished by deprivation of liberty for a period from ten to fifteen years.

2. The performance by representatives of a foreign state or a foreign organisation of powers being in the competence of authorised bodies and officials of the Republic of Kazakhstan, -

shall be punished by a penalty in an amount from one to five thousand monthly assessment indices or in the amount of wages or another income of the convict for a period from ten months to one year or by deprivation of liberty for the period of up to seven years.

### **Article 169. Armed Insurrection**

The organisation of an armed insurrection or active participation in it for the purposes of overthrowing or forcible changing the constitutional order of the Republic of Kazakhstan, or disruption of the territorial integrity of the Republic of Kazakhstan, -

shall be punished by imprisonment for a period from ten to fifteen years.

### **Article 170. Exhortations for the Forcible Overthrow or Changing of the Constitutional Order, or Forcible Disruption of the Territorial Integrity of the Republic of Kazakhstan**

1. Public exhortations for the forcible seizure of power, forcible retention of power, disruption of the safety of the state, or forcible changing of the constitutional order, as well as forcible disruption of the integrity of the Republic of Kazakhstan and the unity of its territory, as well as distribution of materials with such content for those purposes, -

shall be punished by a fine in an amount from three hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from three to ten months, or by imprisonment for a period up to five years.

2. The same acts committed with the use of the mass information media, or committed by an organised group, as well as by a person who was earlier convicted under this Article, -

shall be punished by a fine in an amount from one to five thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from ten months to one year, or by imprisonment for a period from three to seven years.

### **Article 171. Sabotage**

The commission, for the purpose of disruption of the safety and defensive potentialities of the Republic of Kazakhstan, of an explosion, arson, or of other actions, which are aimed at mass destruction of people, the causation of damage to their health, or destruction or the causation of damage to enterprises, installations, ways and means of communication and communication services, or life-maintenance facilities for the population, as well as the commission for the same purposes of mass poisoning or the spreading of epidemics and epizootics, -

shall be punished by imprisonment for a period from ten to twenty years, or by capital punishment, or by life-time imprisonment with forfeiture of property, or without it.

### **Article 172. Illegal Obtaining, Divulging of State Secrets**

1. Collection of information constituting state secrets, by way of stealing documents, subornation, or threat with regard to the persons who possess state secrets or their relatives, interception in means of communication, illegal penetration into computer systems or networks, use of special-purpose technical facilities, and equally by any other illegal method, when there are no indications of high treason or espionage -

shall be punished with arrest for a period from four up to six months or deprivation of freedom for a period up to five years with deprivation of the right to hold certain positions or engage in certain activities or without such.

2. Disclosure of information constituting a state secret by a person to whom it was entrusted or became known through service or work, provided there are no indications of high treason - shall be punished with arrest for a period from three to six months or deprivation of freedom for a period up to three years with deprivation of the right to hold certain positions or engage in certain activities for a period up to three years or without such.

3. Disclosure of information constituting a service secret by a person to whom it was entrusted or became known by duty or employment, where there is no sign of high treason, if it entailed grave consequences, -

shall entail a fine in an amount of two hundred of monthly assessment indices or in the amount of the wage or other income of the sentenced person for a period from two to five months, or arrest for a period up to four months, or deprivation of freedom for a period up to two years with deprivation of the right to hold certain positions or engage in certain activities for a period up to two years or without such.

4. Acts specified in the first and second parts of this Article, unless they caused grave consequences, -

shall be punished with deprivation of freedom for a period up to eight years with deprivation of the right to hold certain positions or engage in certain activities for a period up to three years.

### **Article 173. Loss of Documents, Items Containing State Secrets**

1. Loss of documents containing state secrets and equally of items of which the information constitutes the state secret by a person to whom they were entrusted by duty or employment if the loss was a result of violation of the established rules of handling said documents or items and entailed grave consequences, -

shall be punished with a fine in an amount up to one thousand monthly assessment indices or in an amount of a wage or other income of the sentenced person for a period up to nine months, or correction work for a period from three to six months, or deprivation of freedom for a period up to four years with deprivation of the right to hold certain positions or engage in certain activities for a period up to three years.

2. Loss of documents containing service secret, and equally of items the information of which constitute a service secret, by a person to whom they were entrusted by duty or employment, where the loss is a result of violation of established rules for handling said documents or items and entailed grave consequences, -

shall be punished with a fine in an amount up to two hundred monthly assessment indices or in an amount of the wage or other income of the sentenced person for a period up to two

months, or correction work for a period up to one month, or arrest for a period up to two months, or deprivation of freedom for a period up to one year with deprivation of the right to hold certain positions or engage in certain activities for a period up to two years or without such.

#### **Article 174. Evasion of the Draft upon Mobilization**

1. Evasion of the draft to military service upon mobilization to the Armed Forces, or other troops and military formations of the Republic of Kazakhstan, -

shall be punished by imprisonment for a period from five to ten years.

2. The same, as well as evasion of further drafts for completion the Armed Forces of the Republic of Kazakhstan, committed during war time, -

shall be punished with deprivation of freedom for a period from five to ten years.

### **Chapter 6. Crimes Against Property**

#### **Article 175. Theft**

1. Theft, that is the furtive stealing of someone else's property, -

shall be punished by a fine in an amount from two hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to seven months, or by engagement in public works for a period from one hundred eight up to two hundred forty hours, or by correctional labour for a period up to two years or by restriction of liberty for the period of up to three years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to three years.

2. Theft committed as follows:

a) by a group of persons upon a preliminary collusion;

b) repeatedly;

c) with illegal penetration into a residential, service, or production premises, or storage facilities, -

shall be punished by imprisonment for a period from two up to five years with forfeiture of property, or without it.

3. Theft committed as follows:

a) by an organised group;

b) in a large volume;

c) by a person who was earlier convicted twice or more for stealing or extortion, -

shall be punished by imprisonment for a period from three to ten years with forfeiture of property.

**Notes.**

1. Stealing as mentioned in articles of the present Code shall be understood as illegal withdrawal and (or) transfer of someone else's property to the benefit of a given convict or other persons, which are committed for venal purposes and which caused damage to a given proprietor or another owner of that property.
2. In articles of this chapter, large volume or considerable damage shall be understood to mean a value of property or amount of damage which exceeds by five hundred times a monthly calculation base established by legislation of the Republic of Kazakhstan at the moment of the commission of a given crime.
3. In Articles 175-181 of the present Code, the commission of a crime shall be recognised as repeated, it was preceded by the commission of one or more crimes stipulated by those Articles, as well as by Articles 248, 255, and 260 of the present Code.
4. In articles of this chapter, as well as in other articles of the present Code, a person shall be recognised as earlier convicted for stealing or extortion, who has conviction for one or several crimes stipulated by Articles 175-180, 248, 255, and 260 of the present Code.
5. Petty larceny of somebody else's property owned in accordance with the right of ownership by an organisation or which is in its authority, committed by way of theft, fraud, misappropriation or embezzlement shall not entail criminal liability. The person guilty of committing it shall be held responsible in accordance with the administrative procedure on accordance with the law. Theft shall be recognised as petty larceny if the value of stolen property does not exceed ten times amount of the monthly assessment index as established by the legislation of the Republic of Kazakhstan at the moment of commission of the act.

**Article 176. Expropriation or Embezzlement of Trusted Property**

1. Expropriation or embezzlement, that is stealing of someone else's property trusted to a given convict, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to three years.

2. The same acts committed as follows:

- a) by a group of persons upon a preliminary collusion;
- b) repeatedly;

c) with the use of an official position, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five months up to one year, or by restriction of freedom for a period up to four years, or by imprisonment for a period from two to five years with forfeiture of property or without it with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

3. The acts stipulated by the first and second parts of this Article, if they are committed as follows:

a) by an organised group;

b) in a large volume;

c) by a person who was earlier convicted twice or more for stealing or extortion;

d) by a person authorised to carry out state functions, or by a person equated to such, where those functions are associated with the exercise of his office functions, -

shall be punished by imprisonment for a period from five to ten years with forfeiture of property and with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, and in the cases specified by paragraph d), up to seven years.

### **Article 177. Fraud**

1. Fraud, that is stealing of someone else's property, or acquisition of the right to someone else's property by way of fraud or abuse of trust, -

shall be punished by a fine in an amount from two hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to seven months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period up to two year, or by detention under arrest for a period up to six months, or by restriction of freedom for a period up to three years, or by imprisonment for the same period.

2. Fraud committed as follows:

a) by a group of persons upon a preliminary collusion;

b) repeatedly;

c) with the use of an official position, -

shall be punished by a fine in an amount from seven hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period

from five months up to one year, or by restriction of freedom for a period up to four years, or by imprisonment for a period from two to five years with forfeiture of property, or without it.

3. Fraud committed as follows:

a) by an organised group;

b) in a large volume;

c) by a person who was earlier convicted for stealing or extortion twice or more times, -

shall be punished by imprisonment for a period from five to ten years with forfeiture of property.

### **Article 178. Robbery**

1. Robbery, that is open stealing of someone else's property, -

shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to four years.

2. Robbery committed as follows:

a) with violence which is not dangerous for the life or health of a victim, or with a threat to apply such violence;

b) repeatedly;

c) with illegal penetration into residential, service, or production premises or storage facilities, -

shall be punished by imprisonment for a period from three to seven years with forfeiture of property, or without it.

3. Robbery committed as follows:

a) by an organised group;

b) in a large amount;

c) by a person who was earlier convicted for stealing or extortion twice or more times, -

shall be punished by imprisonment for a period from six to twelve years with forfeiture of property.

### **Article 179. Brigandage**

1. Brigandage, that is assault for the purpose of stealing of someone else's property combined with violence dangerous for the life or health of a person who was exposed to an assault, or with a threat to directly apply such violence, -



shall be punished by imprisonment for a period from three to seven years with forfeiture of property, or without it.

2. Brigandage committed as follows:

- a) by a group of persons upon a preliminary collusion;
- b) repeatedly;
- c) with illegal penetration into residential, service, or production premises or a warehouse;
- d) with the use of weapons or objects used as weapons;
- e) with causing grave harm to health -

shall be punished with deprivation of freedom for a period from five to twelve years with confiscation of property.

3. Brigandage committed:

- a) by an organised group;
- b) with the causation of severe damage to health that entailed death of the victim due to negligence;
- c) for the purpose of stealing of property in a large volume;
- d) by a person who was earlier convicted for stealing or extortion twice or more times, -

shall be punished by imprisonment for a period from eight to fifteen years with forfeiture of property.

### **Article 180. Stealing of Objects Having a Special Value**

1. Stealing of objects or documents which have a special historical, scientific, artistic, or cultural value, regardless of the method of stealing, -

shall be punished by imprisonment for a period from six to ten years with forfeiture of property, or without it.

2. The same act:

- a) committed by a group of persons upon a preliminary collusion or by an organised group;
- b) committed repeatedly;
- c) which entailed demolition, damage, or destruction of objects or documents indicated in the first part of this Article, -

shall be punished by imprisonment for a period from eight to fifteen years with forfeiture of property.

## **Article 181. Extortion**

1. Extortion, that is a demand to transfer someone else's property or the right to property, or a demand to commit other acts concerning property under the threat of violence or destruction or damage of someone else's property, as well as under the threat of distribution of information denigrating a given victim or his relatives, -

shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to four years with a fine in an amount up to one hundred monthly assessment indices or in an amount of wages or other income of a given convict for a period up to three months, or without it.

2. Extortion committed:

a) with violence;

b) by a group of persons upon a preliminary collusion;

c) repeatedly,

shall be punished by imprisonment for a period from three to seven years with forfeiture of property, or without it.

3. Extortion committed:

a) by an organised group;

b) with the causation of severe damage to the health of a victim;

c) for the purpose of receiving property in a large volume;

d) by a person who was earlier convicted for stealing or extortion twice or more times, -

shall be punished by imprisonment for a period from seven to fifteen years with forfeiture of property.

## **Article 182. Causation of Property Damage by Way of Fraud or Abuse of Trust**

1. The causation of property damage to a proprietor or another owner of property by way of fraud or abuse of trust, in the absence of elements of stealing, -

shall be punished by a fine in an amount up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to one year, or by detention under arrest for a period up to four months.

2. The same act committed:

a) by a group of persons upon a preliminary collusion;

b) repeatedly;

c) with the use of an official position, -

shall be punished by a fine in an amount from four hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from four to eight months, or by imprisonment for a period up to three years with a fine in an amount up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or without it.

3. The acts stipulated by the first or second part of this Article, if they:

a) are committed by an organised group;

b) caused a considerable damage, -

shall be punished by imprisonment for a period from two to five years with forfeiture of property, or without it.

### **Article 183. Purchase or Sale of Property Obtained in a Criminal Way**

1. Purchase or sale of property without a prior agreement, which is obtained in a criminal way, that fact being known to the convict, -

shall be punished by a fine in an amount from fifty to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period up to two years, or by detention under arrest for a period up to six months with confiscation of property or without the same.

2. The same act committed as follows:

a) with regard to an automobile or other property in a large amount;

b) by a group of persons upon a preliminary collusion;

c) by a person who was earlier convicted for stealing, extortion, or purchase or sale of property obtained in a criminal way, he being aware of that fact;

d) in relation to rare and endangered species of animals and plants, as well as animals hunting of which is completely prohibited, or products of them, -

shall be punished by restriction of freedom for a period up to three years, or by imprisonment for a period up to four years with a fine in an amount up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or without it, with confiscation of property or without the same.

3. Acts stipulated by the first or second part of this Article committed by an organised group or by a person with the use of his official position, -

shall be punished by imprisonment for a period from three to five years with forfeiture of property, or without it.

#### **Article 184. Violation of Intellectual Property Rights**

1. Illegal use of objects of copyright or related rights, as well as illegal use of an invention, useful model, or industrial sample, or the divulgation, without the consent of a given author or declarant, of the essence of a scientific discovery, invention, useful model, or industrial sample, prior to official publication of information concerning them, as well as illegal appropriation of authorship, or coercion to co-authorship, if these acts are committed for the purpose of obtaining profit, or if they inflicted considerable damage, -

shall be punished by a fine in an amount from one hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to five months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by restriction of freedom for a period up to two years.

2. Acts stipulated by the first part of this Article committed repeatedly, or by a group of persons upon a preliminary collusion, or by an organised group, -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to nine months, or by detention under arrest for a period from four to six months, or by imprisonment for a period up to five years with forfeiture of property, or without it.

#### **Article 185. Illegal Taking Possession of an Automobile or Other Transport Vehicle Without the Purpose of Stealing**

1. Illegal seizure of an automobile or other transport vehicle without the purpose of stealing (high-jacking), -

shall be punished by a fine in an amount from five to two thousand monthly assessment indices or in an amount of wages or other income of a given convict for a period up to three months or restriction of freedom for a period up to three years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to three years,

shall be punished by restriction of liberty for the period of up to five years or by deprivation of liberty for the same period.

2. The same act committed as follows:

a) by a group or persons upon a preliminary collusion;

b) repeatedly;

c) with violence which was not dangerous for the life or health, or with a threat to apply such violence, -

shall be punished by imprisonment for a period from three to five years.

3. Acts stipulated by the first or second part of this Article which are committed by an organised group, or which caused considerable damage, -

shall be punished by imprisonment for a period from five to ten years.

4. Acts stipulated by the first, second, or third part of this Article, which are committed with violence dangerous for the life or health, or with a threat to apply such violence, -

shall be punished by imprisonment for a period from six to twelve years.

#### Article 186. Violation of Rights in Rem to Land

1. Illegal penetration of someone else's land plot, which entailed the causation of serious damage to the rights or legitimate interests of citizens or organisations, or legitimate interests of the society or the state, -

shall be punished by a fine in an amount up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to one year, or by detention under arrest for a period up to three months.

2. The same act committed with violence or a threat to apply it, or committed by a group of persons, or accompanied by illegal search, as well as illegal seizure of someone else's land plot, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period from two to four months, or by imprisonment for a period up to two years.

3. Acts stipulated by the first or second part of this Article which are committed by a person with the use of his official position, -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eight months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period from two to five years, or by detention under arrest for a period from four to six months, or by imprisonment for a period up to three years.

#### **Article 186. A Violation of Property Rights of Land**

1. An illegal penetration into an alien land plot resulted in the inflicting of considerable damage to rights and law protected interests of citizens or organisations or law protected interests of the society or the state committed with the application of violence or with a threat

of its application by a group of persons or accompanied by an unlawful search, as well as an unlawful seizure of an alien land plot -

shall be punished by a penalty in an amount from two hundred to five hundred monthly assessment indices or in the amount of wages or another income of the convict for a period from two to five months or by arrest for a period from two to four months, or by deprivation of liberty for the period of up to two years.

2. Actions stipulated by part one of this Article committed by a person with the use of his official position, -

shall be punished by a penalty in an amount from five hundred to eight hundred monthly assessment indices or in the amount of wages or another income of the convict for a period from five to eight months or by deprivation of the right to take certain positions or to be engaged in certain activity for a period from two to five years, or by arrest for a period from four to six months, or by deprivation of liberty for the period of up to three years.

### **Article 187. Deliberate Destruction or Causation of Damage to Someone Else's Property**

1. Deliberate destruction or causation of damage to someone else's property, which inflicted a considerable harm, -

shall be punished by a fine in an amount from fifty to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or by engagement in public works for a period from one hundred to one hundred eighty hours, or by correctional labour for a period up to one year, or by detention under arrest for a period up to three months, or by imprisonment for a period up to two years or by restriction of liberty for the same period.

2. The same acts committed as follows:

- a) by way of arson, explosion, or other method dangerous for the public;
- b) which entailed by negligence the causation of severe or medium gravity damage to health;
- c) committed in relation to the execution by a victim of his service or public duty, or with regard to his close relatives under the same motives;
- d) under the motives of social, national, racial, or religious enmity, -

shall be punished by correctional labour for a period up to two years, or by detention under arrest for a period from two to six months or by restriction of liberty for the same period, or by imprisonment for a period up to four years.

3. Acts stipulated by the first or second part of this Article which entailed the following:

- a) the death of a person by negligence;

b) destruction or damage to monuments of history, culture, nature complexes, or objects protected by the state, as well as objects or documents having a special historical, scientific, artistic, or cultural value, -

shall be punished by imprisonment for a period from three to seven years.

**Note.** Considerable damage shall be understood to mean an amount of damage which exceeds by one hundred times a monthly calculation base.

### **Article 188. Negligent Destruction or Causation of Damage to Someone Else's Property**

1. Destruction or the damaging of someone else's property committed by negligence, which caused considerable harm, -

shall be punished by a fine in an amount up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months or engagement in public work for a period from one hundred to two hundred hours, or by correctional labour for a period up to one year, or by restriction of freedom for a period up to two years.

2. The same acts which are committed by way of negligent handling of fire, or other sources of great danger, or which entailed serious consequences, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period from one to two years, or by restriction of freedom for a period up to three years, or by imprisonment for a period up to two years.

## **Chapter 7. Crimes in the Sphere of Economic Activity**

### **Article 189. Creating Impediments to Legal Entrepreneurial Activity**

Restriction of the rights and legitimate interests of an individual entrepreneur or a commercial organisation, depending upon its organisational-legal form or its form of ownership, as well as restriction of independence, or other illegal interference in the activity of an individual entrepreneur or a commercial organisation, if these acts are committed by an official with the use of his service position, as well as committed in violation of a judicial act which entered into force, or acts which caused considerable damage, -

shall be punished by a fine in an amount from three hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from three to eight months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years with a fine in an amount up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or by correctional labour for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years.

**Note.** In articles of this chapter, considerable damage shall be understood to mean the damage caused to a citizen in an amount which exceeds by one hundred times a monthly calculation base, or the damage caused to an organisation or the state for an amount which exceeds by five hundred times a monthly calculation base, as established by legislation of the Republic of Kazakhstan as of the moment of the commission of a given crime.

### **Article 190. Illegal Entrepreneurship**

1. The exercise of illegal entrepreneurial activity without registration or without a special permit (license), in cases in which such a permit (license) is obligatory, or in violation of terms of licensing, as well as engagement in prohibited types of entrepreneurial activity, if these acts caused a considerable damage to a citizen, organisation, or the state, or if these acts are combined with the receipt of profit in a large amount, or production, storage or marketing of excisable goods in material quantities, -

shall be punished by a fine in an amount from three hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from three to five months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years with a fine in an amount up to fifty monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or without it.

2. The same acts:

a) committed by an organised group;

b) accompanied by extraction of profit in an especially large amount;

c) committed by a person who was earlier convicted for illegal entrepreneurship or illegal banking activity, -

shall be punished by a fine in an amount from seven hundred up to one thousand monthly assessment indices, or in amount of wages or other income of a given convict for a period from seven months up to one year, or by imprisonment for a period up to five years with forfeiture of property, or without it.

**Note.** 1. In Articles 190 and 191 of the present Code, profit in a large amount shall be understood to mean income an amount of which exceeds five hundred monthly assessment indices, and profit in an especially large amount shall be understood to mean income an amount of which exceeds two thousand monthly assessment indices.

2. Quantities of which the value exceeds one hundred of monthly assessment indices shall be recognised as material for the purposes of Article 190 of this Code.

### **Article 191. Illegal Banking Activity**



1. The exercise of banking activity (banking transactions) without registration or without a special permit (license), in cases in which such a permit (license) is obligatory, or in violation of terms of licensing, if this act inflicted a considerable damage upon a citizen, organisation, or the state, or if this act is associated with the extraction of income in a large amount, -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eight months, or by imprisonment for a period up to three years with a fine in an amount up to fifty monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or without it.

2. The same act:

a) committed by an organised group;

b) associated with the extraction of profit in an especially large amount;

c) committed by a person who was earlier convicted for illegal banking activity or illegal entrepreneurship, -

shall be punished by imprisonment for a period from two to six months with forfeiture of property, or without it.

### **Article 192. Fraudulent Entrepreneurship**

Fraudulent entrepreneurship, that is creation of a commercial organisation without the intent to exercise entrepreneurial or banking activity, which has a purpose of receiving loans, exemption from taxes, extraction of other material profit, or concealing prohibited activity, if such entrepreneurship caused a considerable damage to a citizen, organisation, or the state, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period up to six months, or by imprisonment for a period up to three years with a fine in an amount of up to fifty monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or without it.

### **Article 193. Legalization of Monetary Funds or Other Property Obtained Illegally**

1. The commission of financial operations and other transactions with monetary funds or other property obtained illegally, a given guilty party being aware of that fact, as well as the use of indicated funds or other property for the exercise of entrepreneurial or other economic activity, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by detention under arrest for a period up to six months, or by imprisonment for a period up to three years with a fine in an amount up to one hundred

monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or without it.

2. The same acts committed:

a) by a group of persons upon a preliminary collusion;

b) repeatedly;

c) by a person with the use of his official position, -

shall be punished by imprisonment for a period from two to five years with forfeiture of property, or without it.

3. Acts specified in the first or in the second part of this Article committed as follows;

a) by a person authorised to perform state functions, or by a person equated to such person, where those functions are associated with the exercise of his office duties;

b) by an organised group;

c) by a criminal community (a criminal organisation) or in large amounts, -

shall be punished by deprivation of freedom for a period from three to seven years with deprivation of the right to hold certain positions or engage in certain types of activity for a period up to three years and in the cases specified by paragraph a), up to seven years with the confiscation of property or without such.

**Note.** 1. In this Article a large amount shall be understood to mean the commission of a transaction or the use of monetary funds or other property for an amount which exceeds ten thousand monthly assessment indices.

2. A person who voluntarily reported on legalization of funds or property acquired in an illegal manner, which is in preparation or has taken place, shall be released from criminal liability unless his acts contain a set of the criminal elements as provided for by the second and third part of this Article, or another crime.

#### **Article 194. Illegal Receipt and Non-Designated Use of a Loan**

1. The receipt by an individual entrepreneur or the head of an organisation of a loan, appropriations, or privilege terms of crediting, by way of providing, to a given bank or another creditor, false information on the economic status, financial situation, or pledged property of a given individual entrepreneur or organisation, or false information concerning other circumstances which have considerable importance for the receipt of a loan, appropriations, or privileged terms of crediting, as well as a failure to notify a given bank or another creditor about information concerning the emergence of circumstances which may entail the termination of crediting, granting appropriations, abolition of privileges, or restriction of the amount of a granted loan or appropriations, if these actions caused a considerable damage, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five years, or by detention under arrest for a period from four to six months, or by correctional labour for a period up to two years, or by imprisonment for the same period.

2. The use of a state targeted loan, or a loan issued against guarantees of the state, not according to direct designation, if this act caused a considerable damage to a citizen, organisation, or the state, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period from four to six months, or by correctional labour for a period up to two years, or by imprisonment for the same period.

### **Article 195. Malicious Evasion from Repayment of Accounts Payable**

Malicious evasion by the head of an organisation or by a citizen from repayment of accounts payable in a large amount after the entering into force of the relevant court's act, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period from four to six months, or by correctional labour for a period up to two years, or by imprisonment for the same period.

**Note.** Accounts payable in a large amount shall be understood to mean indebtedness of a citizen in an amount which exceeds five hundred monthly assessment indices, and or an organisation - in an amount which exceeds two thousand five hundred monthly assessment indices.

### **Article 196. Monopolistic Actions and Restriction of Competitiveness**

1. Establishing or maintaining of monopolistic high prices or monopolistic low prices, as well as restriction of competitiveness by way of division of the market, restriction of an access to the market, elimination from it of other entities of economic activity, or establishment or maintenance of fixed uniform prices, if these acts caused a considerable damage to a citizen, organisation, or the state, -

shall be punished by a fine in an amount from two hundred from five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period from four to six months, or by correctional labour for a period up to two years, or restriction of freedom for a period up to two years, or by imprisonment for the same period.

2. The same acts committed repeatedly, or by a group of persons upon a preliminary collusion, or by an organised group, or by a person with the use of his official position, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period

from five to seven months, or by imprisonment for a period from two to five years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

3. Acts stipulated by the first or second part of this Article which are committed with violence or a threat to apply it, as well as with destruction or the damaging of someone else's property, or a threat to destroy or damage it, and in the absence of elements of extortion, - shall be punished by imprisonment for a period from three to seven years with forfeiture of property, or without it.

### **Article 197. Malicious Violation of the Established Procedure for Conducting Public Tenders and Auctions**

Malicious violation of the established procedure for the conducting of public tenders and auctions which caused considerable damage to a given proprietor, organiser of tenders or auctions, buyer, or another economic entity, -

shall be punished by a fine in an amount from five hundred up to two thousand monthly assessment indices, or by restriction of freedom for a period up to three years.

### **Article 198. Deliberately Fraudulent Advertising**

The use by an advertiser in his advertisements of deliberately false information regarding goods, work, or services, as well as their producers, performers, or sellers, which is committed for venal purposes and which caused considerable damage, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices or in an amount of wages or other income of a given convict for a period from two to five months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by detention under arrest for a period up to six months, or by correctional labour for a period up to two years, or restriction of freedom for a period up to two years, or by deprivation of freedom for the same period.

### **Article 199. Illegal Use of a Trade Mark**

1. Illegal use of someone else's trade mark, service mark, firm's name, name of the place of goods' origin, or illegal use of marks similar to them for similar goods or services, if this act is committed repeatedly or caused considerable damage, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by detention under arrest for a period up to six months, or by correctional labour for a period up to two years.

2. Illegal use of warning instructions with regard to a trade mark, or name of the place of goods' origin, which is not registered in the Republic of Kazakhstan, if this act is committed repeatedly or caused considerable damage, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by detention under arrest for a period up to three months, or by correctional labour for a period up to one year.

### **Article 200. Illegal Receipt and Divulgence of Information Constituting a Commercial or Banking Secret**

1. Gathering information which constitutes a commercial or banking secret by way of stealing documents, subornation or threatening with regard to persons who possess such a commercial or banking secret, or their relatives, as well as by way of interception in the means of communication, illegal penetration into a computer system or network, the use of special technical means, or by any other illegal method, for the purposes of divulgence or illegal use of such information, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or by correctional labour for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to one year.

2. Illegal divulgence or the use of information which constitutes a commercial or banking secret, without the owner's consent, by a person to whom it was trusted due to his service or work position, which is committed for venal purposes or other personal interests, and which caused considerable damage, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly calculation bases, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period from four to six months, or by correctional labour for a period from one to two years, or by imprisonment for a period up to three years with a fine in an amount up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or without such a fine.

### **Article 201. Subornation of Participants and Organisers of Professional Sport Competitions and Show Commercial Contests**

1. Subornation of sportsmen, sport referees, coaches, heads of teams, and other participants or organisers of professional sport competitions, as well as organisers or jury members of show commercial contests, for the purposes of exerting influence upon the results of such competitions or contests, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or by correctional labour for a period from six months up to one year, or detention under arrest for a period up to four months.

2. The same act committed repeatedly or by an organised group, -

shall be punished by imprisonment for a period up to three years.

3. Illegal receipt by sportsmen of money, securities, or other property, transferred to them for the purpose of exerting influence upon the results of competitions, as well as illegal use by sportsmen of services of material nature provided to them for the same purposes, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or by detention under arrest for a period from four to six months.

4. Illegal receipt of money, securities, or other property, or illegal use of services of material nature by sport referees, coaches, managers of teams, or by other participants or organisers of professional sport competitions, as well as by organisers or jury members of show commercial contests for the purposes indicated in the third part of this Article, -

shall be punished by imprisonment for a period up to four years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

#### **Article 202. Violation of the Procedure for Issuance (Emission) of Securities**

Approval of a securities prospectus which contains deliberately false information, as well as approval of a deliberately inaccurate report on the securities issue, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period from four to six months, or by correctional labour for a period from one to two years, or by imprisonment for a period up to three years with a fine in an amount up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or without such a fine.

#### **Article 203. Introduction into a Register of Securities Holders of Deliberately False Information**

1. Introduction into a register of securities holders of deliberately false information which entailed the transfer of the rights to those securities to another person, -

shall be punished by a fine in an amount from three hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period

from three to five months, or by correctional labour for a period up to one year, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or by detention under arrest for a period up to four months.

2. The same act, which caused considerable damage, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to ten months, or by correctional labour for a period from one to two years, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

#### **Article 204. Providing Deliberately False Information on Securities Transactions**

The providing to the state bodies of deliberately false information concerning securities transactions, for the purposes of deriving material benefits, which caused considerable damage, -

shall be punished by a fine in an amount from three hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from three to five months, or by correctional labour for a period up to two years, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to one year with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without such deprivation.

#### **Article 205. Violation of the Rules for Conducting Securities Transactions**

1. Violation of the rules for conducting securities transactions which caused considerable damage,

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to ten months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to one year with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without such deprivation.

2. The same act committed repeatedly or by a group of persons upon a preliminary collusion, or by an organised group, -

shall be punished by a fine in an amount from one to two thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from ten

months up to one year, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years and with forfeiture of property, or without such forfeiture.

#### **Article 206. Manufacture or Distribution of Counterfeit Money or Securities**

1. Manufacture or storage for the purpose of distribution, as well as distribution of counterfeit banknotes and coins of the National Bank of the Republic of Kazakhstan, state securities, or other securities in the currency of the Republic of Kazakhstan, as well as counterfeit foreign currency or securities in foreign currency, -

shall be punished by imprisonment for a period up to five years with forfeiture of property, or without it.

2. The same acts committed in a large amount, or by a person who was earlier convicted for manufacture or distribution of counterfeit money or securities, -

shall be punished by imprisonment for a period from five to ten years with forfeiture of property.

3. Acts stipulated by the first or second part of this Article which are committed by an organised group, -

shall be punished by imprisonment for a period from eight to fifteen years with forfeiture of property.

#### **Article 207. Manufacture or Distribution of Counterfeit Payment Cards or Other Payment and Settlement Documents**

1. Manufacture for the purpose of distribution, or distribution of counterfeit payment cards, as well as other payment or settlement documents which are not securities, -

shall be punished by imprisonment for a period up to three years with a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months.

2. The same acts committed repeatedly or by an organised group, -

shall be punished by imprisonment for a period from four to seven years with forfeiture of property.

#### **Article 208. Violation of the Procedure and Rules for Marking of Excisable Goods with Excise Duty Stamps, Counterfeit and Use of Excise Duty Stamps *[introduced by 3]***

1. Violation of the procedure and rules for marking excisable goods with excise duty stamps, if it caused material harm, -



shall be punished with a fine in an amount from five hundred to seven hundred of monthly assessment indices or in an amount of work remuneration or any other income of the sentenced person for a period from five to seven months, or correctional labour for a period from one year up to two years, or deprivation of the right to hold certain positions or engage in certain activities for a period up to two years, or arrest for a period up to six months, or deprivation of freedom for a period up to two years with deprivation of the right to hold certain positions or engage in certain activities for a period up to three years, or without such.

2. Manufacture or purchase for the purposes of marketing, and equally use or marketing of deliberately counterfeit excise duty stamps, -

shall be deprived of freedom for a period up three years with a fine in an amount from five hundred to one thousand of monthly assessment indices or in an amount of work remuneration or any other income of a given sentenced person for a period from five to ten months with deprivation of the right to hold certain positions or engage in certain activities for a period up to three years, or without such.

Note. Caused harm worth of an amount in excess of one hundred monthly assessment indices shall be recognised as material for the purposes of this Article.

### **Article 209. Economic Contraband**

1. The transferring in a large amount across the customs border of the Republic of Kazakhstan of goods or other objects, except for those indicated in Article 250 of the present Code, which is committed without customs supervision or with concealment from it, or with a fraudulent use of documents or means of customs identification, or the transferring which is associated with non-declaration or fraudulent declaration of prohibited, or restricted for transfer across the customs border, goods, items, or valuables, with regard to which special rules are established for their transfer across the customs border, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five monthswith confiscation of property or without the same, or by detention under arrest for a period from four to six months, or by correctional labour for a period from one to two years, or by imprisonment for a period up to three years with a fine in an amount up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or without such a fine.

2. The same act committed:

a) repeatedly;

b) by person with the use of his service position;

c) with violence with regard to a person who carries out customs supervision, -

shall be punished by imprisonment for a period from two to five years with forfeiture of property, or without it.

3. Acts specified in the first or second part of this Article, committed as follows:

a) by a person authorised to carry out state functions, or by a person equated to such, where those functions are associated with the exercise of his office functions;

b) by an organised group,

shall be punished by deprivation of freedom for a period from three to eight years with deprivation of the right to hold certain positions or engage in certain activities for a period up to three years, and in the cases specified by paragraph a), up to seven years with confiscation of assets.

**Note.** Acts stipulated by this chapter shall be recognised as committed in a large amount, if the value of transferred goods exceeds one thousand monthly assessment indices.

### **Article 213. Non-Return of Funds in Foreign Currency from Abroad**

A failure of the head of an organisation to return from abroad funds in a foreign currency in a large amount, which are subject, in accordance with legislation of the Republic of Kazakhstan, to obligatory transfer to accounts in a given authorised bank of the Republic of Kazakhstan, -

shall be punished by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

**Note.** The act stipulated by this Article shall be recognised as committed in a large amount, if an amount of unreturned funds in a foreign currency exceeds five thousand monthly assessment indices.

### **Article 214. Evasion of Making Customs Payments and Levies**

1. Evasion of payment of customs duties, taxes, customs levies, levies for the issuance of a license, or other customs payments in large amounts, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by correctional labour for a period up to one year, or by restriction of freedom for a period up to two years, or by detention under arrest for a period up to four months, or by imprisonment for a period up to one year.

2. The same act committed:

a) repeatedly;

b) by an official with the use of his service position;

c) by an organised group or a criminal association (criminal organisation), -

shall be punished by a fine in an amount from seven hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from seven months up to one year, or by correctional labour for a period up from one year up to two years, or by restriction of freedom for a period up to three years, or by detention under arrest for a period from four to six months, or by imprisonment for a period for a period up to three years.

**Note.** Evasion of making customs payments shall be recognised as committed in a large amount if the total value of unpaid customs payments exceeds one thousand monthly assessment indices.

### **Article 215. Illegal Actions in Bankruptcy**

1. Concealment of property or material obligations, as well as of information concerning property, its amount, location, or other information concerning property, the transfer of property to someone else's ownership, alienation or destruction of property, as well as concealment, destruction, or falsification of accounting or other reporting documents which record the economic activity, if those actions are committed by the head or the owner of a given debtor-enterprise, or by an individual entrepreneur in case of his bankruptcy, or in anticipation of bankruptcy, and if they caused considerable damage, -

shall be punished by a fine in an amount from seven hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from seven months up to one year, or by correctional labour for a period from one to two years, or by restriction of freedom for a period up to two years, or by detention under arrest for a period from four to six months, or by imprisonment for a period for a period up to two years with a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months.

2. Deliberate illegal satisfaction of property claims of certain creditors by the head or owner of a debtor-organisation, or by an individual entrepreneur who is aware of his actual insolvency (bankruptcy) to the detriment of other creditors, if this action caused considerable damage, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by correctional labour for a period up to one year, or by restriction of freedom for a period up to two years, or by detention under arrest for a period up to four months, or by imprisonment for a period up to one year with a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or without it.

### **Article 216. Deliberate Bankruptcy**

Deliberate bankruptcy, that is deliberate creation or increasing of insolvency, which is committed by the head or owner of a commercial organisation, as well as by an individual

entrepreneur for personal interests or interests of other persons, which caused considerable damage or other serious consequences, -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eight months, or by restriction of freedom for a period up to one year, or by detention under arrest for a period up to four months, or by imprisonment for a period for a period up to one year with a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or without it.

#### **Article 217. False Bankruptcy**

Deliberately false declaration by the head or owner of a commercial organisation, as well as by an individual entrepreneur, of his insolvency for the purpose of misleading creditors in order to receive a deferral or installment for payments due to creditors, or to receive a discount from debts, as well as for the purpose of non-payment of debts, if this act caused a considerable damage, -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eight months, or by restriction of freedom for a period up to one year, or by detention under arrest for a period up to four months, or by imprisonment for a period up to one year with a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or without it.

#### **Article 218. Violation of the Rules for Accounting**

Evasion by a person authorised to keep accounts of an obligation to record in documents information stipulated by legislation, or the introduction by that person into accounting or other reporting documents of deliberately false information concerning the business and financial activity of a given organisation, as well as destruction of financial or other accounting or reporting documents prior to the expiration of period for their keeping, which caused considerable damage, -

shall be punished by a fine in an amount up to three hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to three months, or by correctional labour for a period up to one year, or by imprisonment for a period up to one year with a fine in an amount up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month.

#### **Article 219. Submission of Deliberately False Information Concerning Banking Transactions**

Submission by employees of a given bank of deliberately false information concerning operations under bank accounts of legal entities or physical persons, as well as the issuance of

guarantees, or other obligations unsecured by the actual financial status of a given bank, a guilty party being aware of that fact, if these actions entailed or could have entailed the causation of considerable damage to a citizen, organisation, or the state, -

shall be punished by a fine in an amount from seven hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from seven months up to one year, or by correctional labour for a period from one year up to two years, or by restriction of freedom for a period up to two years, or by detention under arrest for a period from four to six months, or by imprisonment for a period up to two years with a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, and with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

### **Article 220. Illegal Use of Monetary Funds of a Bank**

1. The use by employees of a given bank of its own funds and (or) borrowed funds for the issuance of deliberately uncollectible loans, or for the commission of transactions deliberately unprofitable for a given bank, as well as the granting of baseless guarantees or ungrounded privileged terms to that bank's clients or to other entities, if these actions caused considerable damage to a citizen, organisation, or the state, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period from four to six months, or by correctional labour for a period up to two years, or by imprisonment for a period up to three years with a fine in an amount up to three hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to three months, or without it, and with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

2. Deliberately incorrect or deliberately untimely transfer by a bank's employees of monetary funds, including currency funds to clients' bank accounts, if such an action caused considerable damage to a citizen, organisation, or the state, -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eight months, or by restriction of freedom for a period up to one year, or by detention under arrest for a period up to four months, or imprisonment for a period up to one year with a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or without it, and with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

### **Article 221. Evasion by a Citizen of Payment of a Tax**

1. Evasion of a citizen from payment of tax or other obligatory payments to the state budget due to failure to submit a declaration of income in the cases where the submission of the declaration is obligatory or by way of inclusion into the declaration or other documents connected with the assessment or payment of taxes or other obligatory payments to the state budget of deliberately false information on income or expenditures or on the property which is subject to taxation, if that act entailed non-payment of tax or obligatory payments in a large amount, -

shall be punished with a fine in amount from two hundred up to one thousand monthly assessment indices or in the amount of the wages, or other income of a convict for the period from two to ten months or engagement into public works for a period from one hundred and eighty up to two hundred and forty hours, or correctional labour for a period up to two years, or arrest for a period up to four months, or deprivation of freedom for a period up to two years with a fine in amount up to two hundred monthly assessment indices or in amount of the wages or other income of a convict for a period up to two months or without such.

2. The same act committed by a person who was earlier convicted for evasion from payment of a tax, -

shall be punished by a fine in an amount from five hundred up to three thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five months up to one year, or by correctional labour for a period up to two years, or deprivation of freedom for a period up to three years, with a fine in an amount up to three hundred monthly assessment indices or in amount of the wage or other income of the sentenced person for a period up to three months or without such.

**Note.** Non-payment of taxes or other obligatory payments to the state budget by a citizen shall be recognised as that committed in a large amount, if the amount of unpaid tax or obligatory payments exceeds five hundred monthly assessment indices.

## **Article 222. Evasion of Payment of Taxes by Organisations**

1. Evasion from payment of tax or other obligatory payments to the state budget by organisations, by way of non-submission of the declaration of aggregate annual income in the cases where the submission of the declaration is obligatory, or by way of inclusion into the declaration or the documents connected with the assessment and payment of taxes or other obligatory payments to the state budget of deliberately distorted information on income or costs, or by way of concealment of other taxable items or other obligatory payments, or actual location of the organisation, if this act entailed non-payment of tax or obligatory payments in large amount, -

shall be punished by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years, or by detention under arrest for a period from four to six months, or by imprisonment for a period up to two three years with a fine in an amount up to three monthly assessment indices or in amount of the wage or other income of the sentenced person for a period up to three months or without such.

2. The same act committed repeatedly, -

shall be punished by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years with a fine in an amount from two hundred to five hundred monthly assessment indices or in amount of the wage or other income of the sentenced person for a period from two to five months or with confiscation of property or without such.

**Note.** Non-payment by an organisation of taxes or other obligatory payments to the state budget shall be recognised as that committed in a large amount, if the amount of unpaid tax or obligatory payments exceeds two thousand of monthly assessment indices.

### **Article 223. Deception of Consumers**

1. False measurement, false weighing, overcharging, misleading with regard to consumer properties or the quality of goods (service), or other deception of consumers at stores or at other enterprises which sell goods or render services to the population, regardless of their form of ownership, or by citizens who are registered in the sphere of trade (services), if these actions are committed in a considerable amount, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period from one year up to two years, or by detention under arrest for a period up to six months.

2. The same acts committed:

- a) by a person who was earlier convicted for deception of consumers;
- b) by a group of persons upon a preliminary collusion or by an organised group;
- c) in a large amount, -

shall be punished by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

**Note.** Deception shall be recognised as committed in considerable amount, if it caused damage to consumers in an amount exceeding one third of a monthly calculation base, and as committed in a large amount, if it caused damage to consumers in an amount not less than three monthly assessment indices.

### **Article 224. Receipt of Illegal Remuneration**

1. Illegal receipt by an employee of a state body or a state-owned organisation who is not a person authorised to carry out state functions or a person equated to such person, as well as by an employee of a non-state organisation who does not exercise managerial functions, of material remuneration, privileges, or services of a material nature, for the performance of

work or the rendering of a service which are within the range of his duties, if this act is accompanied by extortion, -

shall be punished by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or by a fine in an amount up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or by engagement in public works for a period up to one hundred twenty hours, or by correctional labour for a period up to one year, or by detention under arrest for a period up to three months.

2. The same act committed repeatedly or associated with the receipt of remuneration in a large amount, -

shall be punished by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years, or by correctional labour for a period from one to two years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

**Note.** Receipt of illegal remuneration shall be recognised as committed in a large amount, if an amount received by a given person or the value of services rendered to him, exceeds three hundred monthly assessment indices.

#### **Article 225. Registration of Illegal Transactions Associated with the Use of Nature**

Intentional registration of illegal transactions associated with the use of nature, as well as distortion of information concerning the state accounting and state cadastres of natural resources, as well as deliberate understatement of a payment for the use of natural resources, for pollution of the environment, protection and reproduction of natural resources, if these acts are committed, for venal purposes or other personal interests, by an official with the use of his service position, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

#### **Article 226. Coercion to the Commission of a Transaction or to a Refusal to Commit It**

1. Coercion to the commission of a transaction or to a refusal to commit it under the threat of violence, destruction or damage to someone else's property, as well as distribution of information which may cause considerable damage to the rights and interests of a given victim or his relatives, in the absence of elements of distortion, -

shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years



with a fine in an amount up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or without it.

2. The same act committed:

a) repeatedly;

b) with violence;

c) by an organised group, -

shall be punished by imprisonment for a period from two to six years with forfeiture of property, or without it.

### **Article 227. Illegal Access to Computer Information, and the Creation, Use, and Distribution of Harmful Programmes for Computers**

1. Illegal access to computer information which is protected by law, that is information on a storage medium, in a computer, computer system, or computer network, and equally violation of the rules for operation of a computer, computer system or their network by persons who have access to the computer, computer system or their network, if this action entailed destruction, blocking, modification, or the copying of information, or disruption of the work of a given computer, computer system, or computer network, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to one year, or imprisonment for the same period.

2. The same act committed by a group of persons upon a preliminary collusion, or by an organised group, or by a person with the use of his service position -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eight month, or by correctional labour for a period from one to two years, or by imprisonment for a period up to three years.

3. The creation of programmes for computers, or the introduction of amendments to existing programmes, which deliberately lead to unauthorised destruction, blocking, modification, or the copying of information, or disruption of the work of a given computer, computer system, or computer network, as well as the use or distribution of such programmes or storage media carrying such programmes, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five months up to one year, or by correctional labour for a period up to two years, or by imprisonment for the same period.

4. Actions stipulated by the third part of this Article which entailed by negligence serious consequences, -

shall be punished by imprisonment for a period up to five years.

## **Chapter 8. Crimes Against the Interests of the Employer in Commercial and Other Organisations**

### **Article 228. Abuse of Authority**

The use by a person, who exercises managerial functions in a commercial or other organisation, of his authority against the legitimate interests of that organisation and for the purposes of deriving profit and advantages for himself or other persons or organisations, or for the purpose of inflicting damage upon other persons or organisations, if this entailed the causation of considerable damage to the rights and legitimate interests of the society or the state, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period from one to two years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years.

**Note.** A person who permanently, temporarily or on the basis of a special authorisation exercises organisational, managerial or administrative and economic functions at an organisation which is not a state body, a local self-government or an organisation in which the share of the state is not less than thirty-five per cent, shall be recognised as a person exercising managerial functions at a commercial or another organisation in the Articles of this Code.

### **Article 229. Abuse of Powers by Private Notaries and Auditors**

1. The use by a private notary or a private auditor of his authority contrary to the objectives of his activity, and for the purpose of deriving profit and advantages for himself or other persons or organisations, as well as for the purpose of inflicting damage upon other persons or organisations, if this act caused considerable damage to the rights and legitimate interests of citizens or organisations, or the interests of the society or the state which are protected by law, -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eight months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period from one to two years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

2. The same act committed with regard to an underage or a disabled person, the guilty party being aware of that fact, or committed repeatedly, -

shall be punished by a fine in an amount from seven hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from seven months up to one year, or by detention under arrest for a period from four to six months, or by imprisonment for a period up to four years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

### **Article 230. The Exceeding by Employees of Private Security Services of Their Authority**

1. Exceeding of lawful authority by the head or an employee of a private security service, which is granted to him in accordance with a license, contrary to the objectives of his activity, if this act is committed with violence or a threat to apply it, -

shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to five years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

2. The same act committed with the use of arms or special means, or which caused serious consequences, -

shall be punished by imprisonment for a period from three to eight years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

### **Article 231. Bribe in a Commercial Context**

1. Illegal transfer to a person, who exercises managerial functions in a commercial or other organisation, of money, securities, or other property, as well as illegal rendering to him of services of a material nature for the use by him of his official position in the interests of a person committing subornation, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by restriction of freedom for a period up to two years, or by imprisonment for the same period.

2. The same act committed repeatedly or by a group of persons upon a preliminary collusion, or by an organised group, -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eight months, or by restriction of freedom for a period up to three years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to four years.

3. Illegal receipt by a person, who exercises managerial functions in a commercial or other organisation, of money, securities, or other property, as well as the receipt by him of services of a material nature rendered for the use of his official position in the interests of a person carrying out subornation, -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices or in an amount of wages or other income of a given convict for a period from five to eight months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to two years, or by restriction of freedom for a period up to three years, or by detention under arrest for a period from four to six months, or by imprisonment for a period up to three years.

4. Acts stipulated by the third part of this Article, if they:

a) were committed by a group of persons upon a preliminary collusion or by an organised group;

b) are committed repeatedly;

c) are accompanied by extortion, -

shall be punished by a fine in an amount from seven hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from seven months up to one year, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years, or by imprisonment for a period up to five years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

**Note.** 1. A person who committed acts stipulated by the first or second part of this Article, shall be exempt from criminal liability, if there was extortion (took place) with regard to him, or if that person voluntarily informed about a bribe the body which has the right to institute a criminal case.

2. A transfer or receipt of property, rendering of services of property nature or use of such services as a gift or remuneration, provided there is no prior collusion for prior committed legitimate acts, if the value of the property or services does not exceed two monthly assessment indices, shall not be recognised as a crime by virtue of insignificance and it shall be prosecuted through the disciplinary or administrative procedure.

### **Article 232. Dishonest Attitude Towards Obligations**

Non-execution or improper execution by a person, who exercises managerial functions in a commercial or other organisation, of his duties as a result of a dishonest or negligent attitude towards his service, if this entailed the death of a person or other serious consequences, -

shall be punished by restriction of freedom for a period up to five years, or by imprisonment for a period for the same period with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

## **Chapter 9. Crimes Against Public Safety and Public Order**

### **Article 233. Terrorism**

1. The commission of an explosion, arson, or other actions which create a danger of people's death, causation of considerable material damage, or the emergence of other consequences dangerous for the public, if these actions are committed for the purposes of disruption of public safety, intimidating the population, or exercising coercion upon the adoption of decisions by state bodies of the Republic of Kazakhstan, by foreign states or international organisation, as well as a threat of commission of such actions for the same purposes, -

shall be punished by deprivation of freedom for a period from four to ten years.

2. The same acts committed:

a) repeatedly;

b) with the use of fire arms, -

shall be punished by deprivation of freedom for a period from seven to twelve years.

3. The acts stipulated by the first or second part of this Article, if they:

a) are accompanied with the use of, or a threat to use weapons of mass destruction, radioactive materials and the commission of, or a threat of commission of mass poisoning, spread of epidemics or epizootics, and equally other actions which may entail mass destruction of people;

b) entailed by negligence the death of a person or other serious consequences, -

shall be punished by deprivation of freedom for a period from ten to fifteen years.

4. An attempt upon the life of an individual committed for the purposes of violation of public security, intimidation of the population or coercion with the adoption of decisions by state authorities of the Republic of Kazakhstan, foreign state or international organisation, and also an attempt upon the life of a state or public activist, committed for the same purposes, as well as for the purposes of the termination of his state or other political activity or out of revenge for such activity, -

shall be punished by deprivation of freedom for a period from fifteen to twenty years or by capital punishment, or life deprivation of freedom.

**Note.** A person who participated in the preparation of an act of terrorism, shall be exempt from criminal liability, if he, by a timely warning of the state bodies, or by other method, contributed to the prevention of the commission of an act of terrorism and unless actions of that person contain corpus delicti of another crime.

### **Article 233-1. Promotion of Terrorism or Public Appeals for Commission of An Act of Terrorism**

1. Promotion of terrorism or public appeals for commission of an act of terrorism, and equally distribution of materials of said contents -

shall be punished by deprivation of freedom for a period up to five years.

2. The same acts committed by a person with the use of his service position or by a head of a public association or with the use of mass media, -

shall be punished by deprivation of freedom for a period from three to eight years.

### **Article 233-2. Formation, Leadership of a Terrorist Group and Participation in Its Activity**

1. Formation of a group for the commission of crimes which pursue terrorist objectives (a terrorist group) and also leadership of it -

shall be punished by deprivation of freedom for a period from eight to fifteen years with confiscation of property or without such.

2. Participation in activities of a terrorist group or in acts of terrorism committed by it -

shall be punished by deprivation of freedom for a period from six to twelve years with confiscation of property or without such.

3. Acts specified in the first or second parts of this Article, committed by a person with the use of his service position or by the head of a public association, - shall be punished by deprivation of freedom for a period from ten to fifteen years with confiscation of property or without such.

### **Article 234. Seizure of a Hostage**

1. Seizure or detention of a person as a hostage, committed for the purposes of coercing the state, an organisation, or a citizen, to commit certain actions, or to not commit a certain action, as a condition of that hostage's release, -

shall be punished by imprisonment for a period from three to eight years.

2. The same act committed:

a) by a group of persons upon a preliminary collusion;

b) repeatedly;

c) with the use of violence which is dangerous for life or health;

d) with the use of weapons or objects used as weapons;

e) with regard to an underage person, a guilty party being aware of that;

f) with regard to a pregnant woman, a guilty party being aware of that fact;

g) with regard to a person in a helpless state, a guilty party being aware of that fact;

h) with regard to two or more persons;

i) for venal purposes or for hire, -

shall be punished by imprisonment for a period from seven to twelve years.

3. Acts stipulated by the first or second part of this Article, if they are committed by an organised group, or entailed by negligence the death of a person or other serious consequences, -

shall be punished by imprisonment for a period from ten to fifteen years.

**Note.** A person, who voluntarily or by demand of the state administrative authorities, released a hostage, shall be exempt from criminal liability, unless his actions contain elements of another crime.

### **Article 235. The Creation and Guidance of an Organised Criminal Group or Criminal Association (Criminal Organisation), and Participation in a Criminal Association**

1. The creation of an organised criminal group, as well as the leadership of it, -

shall be punished by imprisonment for a period up to six years.

2. The creation of a criminal association (criminal organisation) for the commission of grave or especially grave crimes, as well as the leadership of such an association (organisation), or of its structural subdivisions, as well as the creation of an association of organisers, heads, or other representatives of organised criminal groups for the purposes of development of plans and conditions for the commission of grave or especially grave crimes, -

shall be punished by imprisonment for a period from five to ten years with forfeiture of property, or without it.

3. Participation in a criminal association (criminal organisation), or in an association of organisers, heads, or other representatives of organised criminal groups, -

shall be punished by imprisonment for a period from three to eight years.

4. Acts stipulated by the first, second, or third part of this Article, which are committed by a person with the use of his official position, -

shall be punished by imprisonment for a period from eight to fifteen years with forfeiture of property, or without it.

### **Article 236. The Organisation of an Illegal Paramilitary Formation**

1. The creation of an illegal paramilitary formation (union, brigade, squad, or other group), as well as the guidance of such a formation, -

shall be punished by imprisonment for a period from two to seven years.

2. Participation in an illegal paramilitary formation (union, brigade, squad, or other group), - shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to three years.

**Note.** A person who voluntarily terminated his participation in an illegal paramilitary formation, and surrendered his weapons and military equipment, shall be exempt from criminal liability, unless his actions contain elements of another crime.

### **Article 237. Banditism**

1. The creation of a stable armed group (gang) for the purposes of assault upon citizens or organisations, as well as the leadership of such a group (gang), -

shall be punished by imprisonment for a period from eight to fifteen years with forfeiture of property, or without it.

2. Participation in a stable armed group (gang) or in assaults committed by it, -

shall be punished by imprisonment for a period from six to twelve years with forfeiture of property, or without it.

3. Acts stipulated by the first or second part of this Article which are committed by a person with the use of his official position, -

shall be punished by imprisonment for a period from ten to fifteen years with forfeiture of property, or without it.

### **Article 238. Seizure of Buildings, Installations, or Means of Communication**

1. Seizure of buildings, installations, or means of communication, or their retention, which are accompanied by a threat of their destruction or damaging for the purposes of coercing the state, an organisation, or citizens to commit a certain action or to refrain from the commission of a certain action, as a condition of releasing the seized building or facilities, -

shall be punished by restriction of freedom for a period up to five years, or by imprisonment for a period for the same period.

2. The same acts committed:

a) by a group of persons upon a preliminary collusion;

b) repeatedly;

c) with violence dangerous for the life or health;

d) with the use of weapons or objects used as weapons;

e) for venal purposes or for hire, -



shall be punished by imprisonment for a period from five to twelve years with forfeiture of property, or without it.

3. The acts specified in the first or second part of this Article where they are committed by an organised group or entailed due to negligence death of an individual or other grave consequences, -

shall be punished with deprivation of freedom for a period from eight to fifteen years with confiscation of property or without such.

### **Article 239. Hijacking, or Seizure of an Aircraft or Seacraft, or a Railway Rolling Stock**

1. Hijacking of an air or sea craft, or a railway rolling stock, as well as the seizure of such a craft or a train for the purposes of hijacking, -

shall be punished by imprisonment for a period from two to eight years.

2. The same acts committed:

a) by a group of persons upon a preliminary collusion;

b) repeatedly;

c) with violence which is dangerous for the life or health, or with a threat to apply such violence;

d) with the use of weapons or objects used as weapons, -

shall be punished by imprisonment for a period from seven to twelve years.

3. Acts stipulated in the first or second part of this Article if they are committed by an organised group, or entailed by negligence the death of a person or other serious consequences, -

shall be punished by imprisonment for a period from eight to fifteen years.

### **Article 240. Piracy**

1. An attack upon a sea or river vessel for the purpose of getting possession of someone else's property, which is committed with violence or a threat to apply it, -

shall be punished by imprisonment for a period from five to ten years.

2. The same act committed repeatedly or with the use of weapons or objects used as weapons, -

shall be punished by imprisonment for a period from eight to twelve years with forfeiture of property.

3. Acts stipulated by the first or second part of this Article, if they are committed by an organised group, or if they entailed by negligence the death of a person or other serious consequences, -

shall be punished by imprisonment for a period from ten to fifteen years with forfeiture of property.

#### **Article 241. Mass Unrest**

1. The organisation of mass unrest which are accompanied by violence, arsons, wrecking, destruction of property, the use of fire arms, explosives, or explosion devices, as well as by armed resistance to a representative of the state authorities, -

shall be punished by imprisonment for a period from four to ten years.

2. Participation in mass unrest stipulated by the first part of this Article, -

shall be punished by imprisonment for a period from three to eight years.

3. Exhortations to active non-compliance with legal requirements of representatives of the state authorities, as well as exhortations to mass unrest, as well as to violence against citizens, -

shall be punished by restriction of freedom for a period up to two years, or by detention under arrest for a period from two to four months, or by imprisonment for a period up to three years.

#### **Article 242. A Deliberately False Communication Concerning an Act of Terrorism**

A deliberately false communication concerning an act of terrorism which is being prepared -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period from one to two years or by restriction of liberty for the period of up to four years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to three years.

#### **Article 243. Illegal Export of Technologies, Scientific-Technical Information and Services Used for the Creation of Mass Destruction Weapons, Armament, and Military Equipment**

Illegal export of technologies, scientific-technical information and services which may be used in the creation of mass destruction weapons or means of their delivery, as well as armaments, and military equipment, and with regard to which a special export supervision is established, -

shall be punished by a fine in an amount from seven hundred up to one thousand monthly assessment indices or in an amount of wages or other income of a given convict for a period from seven months up to one year, or by imprisonment for a period from three to seven years.

#### **Article 244. Violation of the Safety Rules at Atomic Energy Facilities**

1. Violation of the safety rules in deploying, designing, constructing, repairing, or operating atomic energy facilities, if this could entail the death of a person or radioactive contamination of the environment, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by restriction of freedom for a period up to three years, or by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

2. The same act which entailed by negligence the death of a person or radioactive contamination of the environment, or other serious consequences, -

shall be punished by imprisonment for a period from five to ten years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

#### **Article 245. Violation of the Safety Rules in the Conducting of Mining or Construction Work**

1. Violation of the safety rules for the conducting of mining or construction work, if it entailed by negligence the causation of severe or medium gravity damage to the health of a person, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to ten months, or by correctional labour for a period up to two years, or by restriction of freedom for a period up to three years, or by imprisonment for the same period with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

2. The same act which entailed by negligence the death of a person or other serious consequences, -

shall be punished by imprisonment for a period up to six years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

#### **Article 246. Violation of the Safety Rules at Explosion-Hazardous Facilities**

1. Violation of the safety rules at explosion-hazardous facilities or in explosion-hazardous workshops, if it could entail the death of a person or other serious consequences, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to ten months, or by correctional labour for a period up to two years, or by

restriction of freedom for a period up to three years, or by imprisonment for the same period with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it. -

2. The same act which entailed by negligence the death of a person or other serious consequences, -

shall be punished by restriction of freedom for a period up to five years, or by imprisonment for a period up to six years.

#### **Article 247. Illegal Handling of Radioactive Materials**

1. Illegal purchase, storage, transportation, use, destruction or burial of radioactive materials, -

shall be punished by restriction of freedom for a period up to two years, or by deprivation of freedom for a period up to three years.

2. Illegal marketing of radioactive materials, and also illegal purchase, storage, transportation of radioactive materials for the purpose of marketing -

shall be punished by deprivation of freedom for a period from two to six years.

3. Acts specified in the first and second parts of this Article, which due to negligence entailed the death of an individual or other grave consequences, -

shall be punished by deprivation of freedom for a period from three to ten years.

#### **Article 248. Stealing or Extortion of Radioactive Materials**

1. Stealing or extortion of radioactive materials, -

shall be punished by a fine in an amount from seven hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to ten months, or by imprisonment for a period up to five years.

2. The same acts committed:

a) by a group of persons upon a preliminary collusion;

b) repeatedly;

c) by a person with the use of his official position;

d) with violence which is not dangerous for the life or health, or with a threat to apply such violence, -

shall be punished by imprisonment for a period from four to seven years with forfeiture of property, or without it.

3. Acts stipulated by the first or second part of this Article, committed as follows:

- a) with violence dangerous for the life or health, or with a threat to apply such violence;
- b) by an organised group -

shall be punished by imprisonment for a period from five to ten years with forfeiture of property.

**Note.** In this Article, as well as in Articles 255 and 260 of the present Code, the commission of a crime shall be recognised as repeated, if it was preceded by one or more crimes stipulated by those Articles, as well as by Articles 175 - 181 of the present Code.

#### **Article 249. Violation of the Rules for Treatment of Radioactive Materials**

1. Violation of the rules for storage, use, accounting, burial, or transportation of radioactive materials, or other rules for their treatment, if it could entail the death of a person or other serious consequences, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to ten months, or by detention under arrest for a period up to six months.

2. The same act which entailed by negligence the death of a person or other serious consequences, -

shall be punished by imprisonment for a period up to seven years.

#### **Article 250. Contraband of Objects Withdrawn from Circulation, or Objects the Circulation of Which is Limited**

1. The transfer across the customs border of the state, which is committed without customs supervision or with concealment from it, or with fraudulent use of documents or means of customs identification, or the transfer which is accompanied by non-declaration or fraudulent declaration of drugs, or psychotropic, powerful, toxic, poisonous, radioactive materials, or explosives, as well as armament, military equipment, explosion devices, fire arms and ammunition, nuclear, chemical, biological, or other types of mass destruction weapons, or materials and equipment which may be used for the creation of mass destruction weapons, -

shall be punished by imprisonment for a period up to five years with forfeiture of property, or without it.

2. The same act committed:

a) repeatedly;

b) by an official with the use of his service position;

c) with violence against a person exercising customs supervision, -

shall be punished by imprisonment for a period from two to eight years with forfeiture of property, or without it.

3. Acts stipulated by the first or second part of this Article which are committed by an organised group, -

shall be punished by imprisonment for a period from from seven to twelve years with forfeiture of property.

### **Article 251. Illegal Purchase, Transfer, Sale, Storage, Transportation, or the Carrying of Weapons, Ammunition, Explosives, or Explosion Devices**

1. Illegal purchase, transfer, sale, storage, transportation, or the carrying of fire arms (except for smooth-bore hunting guns), ammunition, explosives or explosion devices, -

shall be punished by restriction of freedom for a period up to five years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to five years with a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or without it.

2. The same acts committed by a group of persons upon a preliminary collusion, or committed repeatedly, -

shall be punished by imprisonment for a period from three to eight years.

3. Acts stipulated by the first or second part of this Article, which are committed by an organised group, -

shall be punished by imprisonment for a period from five to ten years.

4. Illegal carrying or sale of knives, Finnish daggers, or other cold steel weapons, except for cases in which the carrying of cold steel knives is associated with hunting business, -

shall be punished by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period up to two years, or by detention under arrest for a period up to four months, or by imprisonment for a period up to one year with a fine in an amount up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or without it.

**Note.** A person who voluntarily surrendered objects indicated in this Article shall be exempt from criminal liability, unless his actions contain elements of another crime.

### **Article 252. Illegal Manufacture of Arms**

1. Illegal manufacture or repair of fire arms, or spare parts for it, as well as illegal manufacture of ammunition, explosives, or explosion devices, -

shall be punished by imprisonment for a period up to five years.

2. The same act committed by a group of persons upon a preliminary collusion, or committed repeatedly, -

shall be punished by imprisonment for a period from three to eight years.

3. Acts stipulated by the first or second part of this Article which are committed by an organised group, -

shall be punished by imprisonment for a period from five to ten years.

4. Illegal manufacture of gas weapons, cold steel weapons, including projectile weapons, -

shall be punished by a fine in an amount from two hundred to five hundred of monthly assessment indices or in the amount of wages or other income of the convict for a period up to four months or engagement in public works for a period from one hundred up to two hundred forty hours, or by correctional labour for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years.

**Note.** A person who voluntarily surrendered objects indicated in this Article shall be exempt from criminal liability, unless his actions contain elements of another crime.

#### **Article 253. Negligent Storage of Fire Arms**

Negligent storage of fire arms which created conditions for their use by another person, if this entailed serious consequences, -

shall be punished by correctional labour for a period up to two years, or by restriction of freedom for the same period, or by detention under arrest for a period up to six months.

#### **Article 254. Improper Execution of Obligations Associated with the Protection of Arms, Amunitions, Explosives, or Explosion Devices**

1. Improper execution of obligations by a person to whom the protection of fire arms, ammunition, explosives, or explosion devices, was delegated, if this entailed their stealing or destruction, or the emergence of other serious consequences, -

shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

2. Improper execution of obligations associated with the protection of mass destruction weapons, or materials or equipment which may be used in the creation of mass destruction weapons, if this entailed serious consequences or created a threat of their emergence, -

shall be punished by imprisonment for a period from two to seven years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

### **Article 255. Stealing or Extortion of Arms, Ammunition, Explosives, or Explosion Devices**

1. Stealing or extortion of fire arms, spare parts to it, ammunition, explosives, or explosion devices, -

shall be punished by imprisonment for a period up from three to seven years.

2. Stealing or extortion of mass destruction weapons, as well as of materials or equipment which may be used in the creation of mass destruction weapons, shall be punished by imprisonment for a period from five to ten years.

3. Acts stipulated by the first or second part of this Article, if they are committed:

a) by a person with the use of his official position;

b) repeatedly;

c) with violence which is not dangerous for the life or health, or with a threat of such violence;

d) by a group of persons upon a preliminary collusion, -

shall be punished by imprisonment for a period from five to twelve years with forfeiture or property, or without it.

4. Acts stipulated by the first, second, or third part of this Article, if they are committed:

a) by an organised group;

b) with violence which is dangerous for the life or health, or with a threat of such violence;

shall be punished by imprisonment for a period from eight to fifteen years with forfeiture of property.

### **Article 256. Violation of Fire Safety Rules**

1. Violation of fire safety rules by a person who is responsible for compliance with them, if it entailed by negligence the causation of severe or medium gravity damage to a man's health, or considerable damage to a citizen, organisation, or the state, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by correctional labour for a period up to two years, or by restriction of freedom for a period up to two years, or by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity, or without such deprivation.

2. The same act, which entailed by negligence the death of a man or other serious consequences, -



shall be punished by restriction of freedom for a period up to five years, or by imprisonment for a period up to seven years.

### **Article 257. Hooliganism**

1. Hooliganism, that is especially impudent violation of the public order which shows obvious disrespect to the society, and is accompanied by violence against citizens or a threat to apply it, as well as by destruction or damaging someone else's property, or by the commission of obscene or insulting actions which are characterised by special cynicism, -

shall be punished by a fine in an amount from two hundred to five hundred monthly assessment indices or in amount of a wage or other income of the convict for a period up to four months, or engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period from six months up to one year, or by restriction of liberty for the period of up to three years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years.

2. The same act, if it:

a) is committed by a group of persons upon a preliminary collusion or by an organised group;

b) is accompanied by resistance to a representative of the state authorities, or resistance to another person who is executing his obligations of the protection of public order, or to a person who is suppressing a violation of public order;

c) is committed by a person who was earlier convicted for hooliganism, -

shall be punished by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period from one to two years, or by imprisonment for a period up to five years restriction of liberty for the period of up to five years or by deprivation of liberty for the same period.

3. Hooliganism committed with fire arms, gaseous weapons, knives, brass-knuckles, or other cold steel, or other objects specially designed for the causation of damage to health, -

shall be punished by imprisonment for a period from three to seven years.

### **Article 258. Vandalism**

Vandalism, that is the desecration of buildings or other installations with notes or drawings, or other actions which offend the public morality, as well as deliberate causation of damage to property in transport vehicles or in other public places, -

shall be punished by a fine in an amount from one hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to five months, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period from six months up to one year, or by detention under arrest for a period up to four months.

## **Chapter 10. Crimes Against the Health of the Population and Morality**

### **Article 259. Illegal Manufacture, Purchase, Storage, Transportation, Sending, or Sale of Narcotic or Psychotropic Substances**

1. Illegal purchase traffic or storage, without the purpose of sale, of narcotic or psychotropic substances in a large amount, -

shall be punished by a fine in amount up to ten thousand monthly assessment indices, or engagement in public work for a period from sixty to two hundred and forty hours or correction labour up to two years, or deprivation of freedom for up to three years.

Illegal manufacture, processing, shipment, selling of narcotic substances or psychotropic substances, as well as the acts provided for by the first part of this article, committed for the purpose of selling narcotic substances or psychotropic substances or with regard to narcotic substances or psychotropic substances in especially large amounts,-

shall be punished by imprisonment for a period from three to seven years with forfeiture of property, or without it.

3. Illegal acquisition, transportation or storage for the purposes of marketing, manufacture, processing, shipment or selling of narcotic substances or psychotropic substances committed:

a) by a group of persons on a prior collusion;

b) several times;

c) in relation to narcotic substances or psychotropic substances in a large quantity, -

shall be punished with deprivation of freedom for a period from seven to twelve years with confiscation of property.

4. Illegal purchase, transportation or storage for the purposes of marketing, manufacture, processing, shipment or selling of narcotic substances or psychotropic substances, committed:

a) by an organised group or a criminal community (criminal organisation);

b) in relation to narcotic substances or psychotropic substances in especially-large quantity, -

shall be punished with deprivation of freedom for a period from ten to fifteen years with confiscation of property.

**Note.** 1. A person who voluntarily surrendered narcotic or psychotropic substances, or voluntarily applied to a medical institution for medical assistance in relation to the use of narcotics for non-medical purposes, and who actively contributed to disclosure or prevention of crimes associated with illegal turnover of narcotic or psychotropic substances, as well as to the exposing of persons having committed them, or disclosure of property acquired in an illegal way, shall be exempt from criminal liability under this Article.

2. Large and especially large amount of narcotic drugs and psychotropic substances under this Article shall be determined on the basis of the Consolidated table for recognition of narcotic drugs, psychotropic substances and precursors as found in illegal handling in small, large and especially large amounts, as approved by the Law of the Republic of Kazakhstan «Concerning Narcotic Drugs, Psychotropic Substances, Precursors and Measures for Counteraction to Their Illegal Handling and Abuse».

### **Article 260. Stealing or Extortion of Narcotic or Psychotropic Substances**

1. Stealing or extortion of narcotic or psychotropic substances, -

shall be punished by imprisonment for a period from three to seven years.

2. The same acts committed:

a) by a group of persons upon a preliminary collusion;

b) repeatedly;

c) by a person with the use of his service position;

d) with violence which is not dangerous for the life or health, or with a threat of such violence, -

shall be punished by imprisonment for a period from six to ten years with forfeiture or property, or without it.

3. Acts stipulated by the first or second part of this Article which are committed:

a) by an organised group;

b) with regard to narcotic or psychotropic substances in a large amount;

c) with violence which is dangerous for the life or health, or with a threat of such violence, -

shall be punished by imprisonment for a period from eight to fifteen years, with forfeiture of property.

### **Article 261. Inclining to the Use of Narcotic or Psychotropic Substances**

1. Inclining to the use of narcotic or psychotropic substances, -

shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to four years.

2. The same act committed:

a) by a group of persons upon a preliminary collusion ;

b) repeatedly;

c) with regard to an underage person, a guilty party being aware of that fact, or with regard to two or more persons;

d) with violence or a threat of violence, -

shall be punished by imprisonment for a period from three to eight years.

3. Acts stipulated by the first or second part of this Article, if they entailed by negligence the death of a victim or other serious consequences,

shall be punished by imprisonment for a period from six to twelve years.

### **Article 262. Illegal Cultivation of Plants Which Are Prohibited for Cultivation and Contain Narcotic Substances**

1. Sowing or growing of plants prohibited for cultivation, or cultivation of varieties of hemp, poppy, or other plants containing narcotic substances, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by imprisonment for a period up to two years.

2. The same acts committed :

a) by a group of persons upon a preliminary collusion;

b) repeatedly;

c) in a large amount, -

shall be punished by imprisonment for a period from three to eight years.

### **Article 263. Illegal Circulation of Toxic Substances, As Well as Substances, Tools or Equipment Used for Manufacture of Processing of Narcotic Substances or Psychotropic or Toxic Substances**

1. Illegal manufacture, processing, purchase, storage, carriage, shipment for purposes of selling and equally the illegal marketing of toxic substances which are not narcotic substances or psychotropic substances, or tools or equipment for their manufacture or processing, -

shall be punished with deprivation of freedom for a period up to five years.

2. Illegal manufacture, purchase, storage, transportation, shipment for the purpose of selling, and equally illegal marketing of substances, tools or equipment used for manufacture or processing of narcotic substances or psychotropic substances, -

shall be punished with deprivation of freedom for a period up to six years.

3. The acts specified in the first or second part of this Article committed by a person with the use of his official position or by a group of persons on a prior collusion or repeatedly, -  
shall be punished with deprivation of freedom for a period from five to eight years.

4. The acts specified in the first or second parts of this Article committed by an organised group, -  
shall be punished by deprivation of freedom for a period from seven to ten years.

#### **Article 264. The Organisation or Maintenance of Haunts for the Use of Narcotic or Psychotropic Substances**

1. The organisation or maintenance of haunts for the use of narcotic or psychotropic substances, -  
shall be punished by imprisonment for a period up to four years.

2. The same act committed by a person with the use of his official position, or committed repeatedly, or by an organised group, -  
shall be punished by imprisonment for a period from three to seven years.

#### **Article 265. Violation of the Rules for Treatment of Narcotic, Psychotropic, or Toxic Substances**

1. Violation of the rules for the production, manufacture, processing, purchase, storage, accounting for, distribution, transportation, import, export, sending, or destruction of narcotic substances, as well as psychotropic, or toxic substances, if this act is committed by a person whose duty is to comply with the indicated rules, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to one year, or by imprisonment for a period up to one year with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

2. The same act which entailed stealing of narcotic, psychotropic, or toxic substances, or the causation of considerable damage, -

shall be punished by correctional labour for a period up to two years, or by restriction of freedom for a period up to two years, or by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

#### **Article 266. Illegal Engagement in Private Medical Practice, or Private Pharmaceutical Activity Illegal Issuing or Counterfeit of Prescriptions or Other Documents Giving the Right to Receive Narcotic Substances or Psychotropic Substances**

1. Engagement in private medical practice or private pharmaceutical activity by a person who does not have a license for the type of activity chosen by him, if it entailed by negligence the causation of damage to a man's health, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to three years.

2. The same act which entailed by negligence the death of a man or other serious consequences, -

shall be punished by restriction of freedom for a period up to five years, or by imprisonment for the same period.

3. Illegal issuing or counterfeit of prescriptions or other documents giving the right to receive narcotic substances or psychotropic substances, -

shall be punished with deprivation of freedom for a period up to two years with deprivation of the right to hold certain positions or engage in certain activities for a period up to three years or without such.

#### **Article 267. Violation of Sanitary-Epidemiological Rules**

1. Violation of sanitary-epidemiological rules which entailed by negligence mass spreading of a disease or the poisoning of people, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or by restriction of freedom for a period up to two years, or by imprisonment for the same period.

2. The same act which entailed by negligence the death of a person, -

shall be punished by restriction of freedom for a period up to five years, or by imprisonment for the same period.

#### **Article 268. Concealment of Information on Circumstances Creating Danger to People's Life or Health**

1. Concealment or distortion of information concerning events, facts, or phenomena creating danger for people's life or health, or for the environment, which is committed by a person who is obligated to provide the population with such information, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by imprisonment for a period up to two years with deprivation

of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

2. The same acts which entailed by negligence the causation of damage to a man's health or other serious consequences, -

shall be punished by a fine in an amount from seven hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from seven months up to one year, or by restriction of freedom for a period up to four years, or by imprisonment for the same period with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

### **Article 269. Output or Sale of Goods, Performance of Work, or the Rendering of Services Which Do Not Comply with the Safety Rules**

1. Output or sale of goods, performance of work, or the rendering of services which do not comply with the rules for safety of consumers' life and health, as well as unlawful issuance or use of an official document certifying the compliance of said goods, work, or services, with the safety rules, if these acts entailed by negligence the causation of damage to a man's health, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by restriction of freedom for a period up to three years, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

2. The same acts if they:

- a) are committed with regard to goods, work, or services intended for small children;
- b) entailed by negligence the causation of damage to health of two or more people;
- c) entailed by negligence a man's death, -

shall be punished by a fine in an amount from seven hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from seven months up to one year, or by restriction of freedom for a period up to three years, or by imprisonment for a period up to five years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

3. Acts stipulated in the first or second part of this Article which entailed by negligence the death of two or more people, -

shall be punished by imprisonment for a period from four to eight years.

### **Article 270. Drawing into Prostitution**

1. Drawing into prostitution by way of violence or a threat to apply it, the use of a dependent position, blackmail, destruction or damaging property, or by way of deceit, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by imprisonment for a period up to five years.

2. The same act committed by an organised group, as well as by a person who was earlier convicted for drawing into prostitution, or the organisation or the keeping of haunts, or for pandering, -

shall be punished by imprisonment for a period from three to seven years.

### **Article 271. The Organisation or Maintenance of Whore-Houses and Pandering**

1. The organisation and maintenance of whore-houses, as well as pandering for venal purposes, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five months to one year, or by imprisonment for a period up to three years.

2. The same acts committed by an organised group, as well as by a person who was earlier convicted for the organisation or maintenance of haunts, or pandering, or for drawing into prostitution, -

shall be punished by imprisonment for a period up to five years.

### **Article 272. The Organisation or Maintenance of Haunts for Intoxicating with the Use of Medicinal or Other Substances**

1. The organisation or maintenance of haunts for intoxicating with the use of medicinal or other means or substances, which are not categorised as narcotics or psychotropic substances, as well as the granting of premises for those purposes, -

shall be punished by a fine in an amount from two hundred to five hundred monthly assessment indices or in amount of a wage or other income of the convict for a period up to four months or detention under arrest for a period up to six months, or by imprisonment for a period up to two years.

2. Acts stipulated by the first part of this Article which are committed by an organised group, -

shall be punished by imprisonment for a period from two to five years.

### **Article 273. Illegal Distribution of Pornographic Materials or Objects**



Illegal manufacture for the purposes of distribution or advertisement, or distribution and advertisement of pornographic materials or objects, as well as illegal trade in publications, cinema or video materials, pictures, or other objects of a pornographic character, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five months up to one year, or by correctional labour for a period up to two years, or by imprisonment for a period up to two years with forfeiture of pornographic materials or objects, as well as means of their production or reproduction.

#### **Article 274. Illegal Distribution of Works Propagating the Cult of Cruelty and Violence**

Illegal manufacture for the purposes of distribution or advertisement, or distribution, advertisement, or demonstration of cinema and video materials or other works which propagate the cult of cruelty and violence, as well as illegal trade in publications, cinema or video materials propagating the cult of cruelty and violence, -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eight months, or by correctional labour for a period up to one year, or by imprisonment for a period up to two years, with forfeiture of works propagating the cult of cruelty and violence, as well as means of their production or reproduction.

#### **Article 275. Outrage upon Bodies of the Deceased or Places of Their Burial**

1. Violation of bodies of the deceased or destruction, damaging, or desecration of places of burial, tombs, or cemetery buildings which are intended for ceremonies in relation to burial or commemoration, -

shall be punished by a fine in an amount from one hundred up to five hundred monthly assessment indices or in an amount of wages or other income of a given convict for a period from one to five months, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period from six months up to one year, or by detention under arrest for a period up to four months, or by imprisonment for a period up to three years.

shall be punished by restriction of liberty for the period of up to five years or by deprivation of liberty for the same period

2. The same acts committed:

a) repeatedly;

b) by a group of persons upon a preliminary collusion or by an organised group;

c) for motives of national, racial, or religious hatred or enmity;

d) with violence or a threat to apply it, -

shall be punished by imprisonment for a period from two to five years.

#### **Article 276. Cruel Treatment of Animals**

1. Cruel treatment of animals which entailed their death or injury, if this act is committed for motives of hooliganism, or with the use of sadistic methods, or in the presence of small children, -

shall be punished by a fine in an amount from one up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by correctional labour for a period up to one year, or by detention under arrest for a period up to six months.

2. The same act committed by a group of persons, or by a group of persons upon a preliminary collusion, or by an organised group, or committed repeatedly, -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eight months, or by correctional labour for a period up to two years, or restriction of freedom for a period up to two years, or arrest for a period from three to six months.

#### **Chapter 11. Ecological Crimes**

##### **Article 277. Violation of Ecological Requirements for Economic and Other Activity**

Violation of ecological requirements for the use of natural resources, engineering, deployment, construction, or reconstruction, input into operation, or operation of enterprises, installations, or other facilities, as well as in the operation of facilities of industry, energy sector, transport, or communication, facilities of agricultural designation and melioration, in the construction of cities or other populated areas, military and defence facilities, or in the military or space activity, by persons who are responsible for the compliance with them, if this entailed considerable pollution of the environment, the causation of damage to human health, mass perishing of flora or fauna, or other serious consequences, -

shall be punished by imprisonment for a period up to five years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

##### **Article 278. Violation of Ecological Requirements in the Production and Use of Chemical, Radioactive, or Biological Substances Which Are Potentially Dangerous to Ecology**

1. Violation of ecological requirements in the production, transportation, storage, burial, use, or other treatment of chemical, radioactive, or biological substances, which are potentially dangerous to ecology, if these acts created a threat of the causation of considerable damage to human health or to the environment, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by restriction of freedom for a period up to three years, or by imprisonment for a period up to two years.

2. The same act which entailed pollution, poisoning, or contamination of the environment, the causation of damage to human health, or mass perishing of flora or fauna, as well as such an act committed on the territory with an endangered ecological situation, -

shall be punished by imprisonment for a period up to five years.

3. Acts stipulated in the first or second part of this Article which entailed by negligence mass spreading of disease among people or the death of a person, -

shall be punished by imprisonment for a period from three to eight years.

### **Article 279. Violation of Safety Rules in Treatment of Micro-Biological or Other Biological Agents or Toxins**

1. Violation of ecological requirements in warehousing, destruction, or burial or micro-biological or other biological agents or toxins, or their illegal import into the Republic of Kazakhstan for processing, storage, or burial, if this entailed a threat of the causation of considerable damage to the health of a person or to the environment, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by restriction of freedom for a period up to three years, or by imprisonment for a period up to two years.

2. The same act which entailed pollution, poisoning, or contamination of the environment, the causation of damage to a person's health, or mass perishing of fauna or flora, as well as such an act committed on the territory with endangered ecological situation, -

shall be punished by imprisonment for a period up to five years.

3. Acts stipulated by the first or second parts of this Article, which entailed by negligence mass spreading of disease among people or a person's death, -

shall be punished by imprisonment for a period from three to eight years.

### **Article 280. Violation of the Veterinary Rules and the Rules Established for Combating Plants' Diseases and Agricultural Pests**

1. Violation of the veterinary rules which entailed the spreading of epizootics or other serious consequences, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five months up to one year, or by correctional labour for a period up to two years, or by

restriction of freedom for a period up to three years, or by imprisonment for a period up to three years.

2. Violation of the rules established for combating plants' diseases and agricultural pests which entailed serious consequences, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to one year, or by restriction of freedom for a period up to two years, or by imprisonment for a period up to two years.

### **Article 281. Contamination, Littering, and Depletion of Water**

1. Contamination, littering, or depletion of surface or underground water, glaciers, sources of drinking water supplies, or other changing of their natural properties, if those acts entailed the causation of considerable damage to fauna or flora, fish stock, forestry, or agriculture, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years, or by correctional labour for a period up to one year, or by detention under arrest for a period up to three months.

2. The same acts which entailed the causation of damage to human health or mass perishing of fauna or flora, as well as the same acts committed on specially protected territories or on the territories with an endangered ecological situation, -

shall be punished by imprisonment for a period up to five years.

3. Acts stipulated in the first or second part of this Article, which entailed by negligence a man's death, -

shall be punished by imprisonment for a period from two to five years.

### **Article 282. Pollution of the Atmosphere**

1. Violation of the rules for emission into the atmosphere of pollutants, or the rules for operation of installations, structures, or other facilities, if this act entailed pollution or other changing of the natural properties of air, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years, or by correctional labour for a period up to one year, or by detention under arrest for a period up to three months.

2. The same act which entailed the causation of damage to human health, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to three years.

3. Acts stipulated by the first or second part of this Article, which entailed by negligence human death, -

shall be punished by imprisonment for a period from two to five years.

### **Article 283. Pollution of the Sea Environment**

1. Pollution of the sea environment from sources located on the land, or as a result of violation of the rules for burial or ejection, from transport vehicles or artificial structures erected in the sea, of substances or materials harmful for the health of a man or living resources of the sea, or of those which set back the lawful use of the sea environment, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years, or by correctional labour for a period up to two years, or by detention under arrest for a period up to four months.

2. The same act which caused considerable damage to the health of a man, flora, or fauna, fish stock, environment, recreation areas, or to other interests protected by law, -

shall be punished by imprisonment for a period up to three years with a fine in an amount from fifty up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month.

3. Acts stipulated in the first or second part of this Article, which entailed by negligence human death, -

shall be punished by imprisonment for a period from two to five years.

### **Article 284. Violation of Legislation Concerning the Continental Shelf of the Republic of Kazakhstan and the Exclusive Economic Zone of the Republic of Kazakhstan**

1. Illegal erection of structures on the continental shelf of the Republic of Kazakhstan, illegal creation around them, or on the exclusive economic zone of the Republic of Kazakhstan, of safety zones, as well as violation of the rules for construction, operation, protection, or liquidation of erected facilities and means of ensuring the safety of sea navigation, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by deprivation of the right to hold certain positions or to engage

in certain types of activity for a period up to three years, or by correctional labour for a period up to two years.

2. Examination, exploration, or mining of natural resources of the continental shelf of the Republic of Kazakhstan or of the exclusive economic zone of the Republic of Kazakhstan, which are carried out without the relevant permit, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by correctional labour for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

### **Article 285. Spoiling of Land**

1. Contamination, pollution, or other spoiling of soil with harmful products of economic or other activity as a result of violation of the rules for treatment and handling of pesticides, fertilizers, plants growth stimulators, or other dangerous chemical, radioactive, or biological substances, in their storage, use, transportation, or burial, which entailed the causation of damage to a man's health or to the environment, as well as deterioration of natural properties of soil, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or by correctional labour for a period up to two years.

2. The same acts committed on the territory with an endangered ecological situation,

shall be punished by restriction of freedom for a period up to three years, or by imprisonment for the same period.

3. Acts stipulated by the first or second part of this Article, which entailed by negligence human death, -

shall be punished by imprisonment for a period from two to five years.

### **Article 286. Violation of the Rules for Protection and Use of the Subsurface**

1. Violation of the rules for the protection and use of the subsurface in designing, deploying, constructing, putting into operation, or operating mining enterprises or underground structures which are not associated with the extraction of natural resources, as well as unwarranted erection of structures on the areas of occurrence of natural resources, if these acts entailed the causation of considerable damage, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period

from two to five months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or by correctional labour for a period up to two years.

2. Violation of general ecological requirements at all stages of subsurface use, if this entailed mass perishing of flora or fauna, the causation of great damage to the state, or harm the health of the population, -

shall be punished by imprisonment for a period from two to five years, with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

3. Acts stipulated by the second part of this Article, which entailed by negligence mass disease of people or human death, -

shall be punished by imprisonment for a period from three to eight years.

#### Article 287. Illegal Catching of Water Animals and Plants

1. Illegal catching of fish, sea animals, or other types of water animals or plants, if this act is committed with causation of great damage, or with the use of a self-propelled floating transport vehicle, explosives, chemical substances, electric current, or other means of mass extermination of indicated water animals or plants, or such an act committed in spawning places or on migration ways to them, or on specially protected natural territories, or territories with an endangered ecological situation, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to two years, or by detention under arrest for a period from four to six months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

2. The same act committed by a person with the use of his official position, or by a group of people upon a preliminary collusion, or by an organised group, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

#### **Article 287. Illegal Getting of Water Animals and Plants**

1. Illegal getting of fishes and other water animals or plants if that action is committed:

a) with the inflicting of considerable damage;

b) with the application of explosive and chemical matters, electric current or other methods of mass extermination of water animals and plants, -

shall be punished by a penalty in an amount from two hundred to five hundred monthly assessment indices, or in the amount of wages or another income of the convict for a period from two to five months, or by corrective labour for the period of up to two years, or by arrest for a period from four to six months, or by deprivation of the right to take certain positions or to be engaged in certain activity for the period of up to three years with confiscation of property being an object of criminal actions, a tool or a means of the commission of a crime, an item withheld from circulation, or without the same.

2. The same action committed:

a) repeatedly;

b) in relation of sturgeon species of fishes;

c) in places of spawning or on migratory ways to them;

d) by a person with the use of his official position;

e) by a group of persons in preliminary agreement;

f) with the application of a self-propelled transport floating vehicle;

g) on specially protected natural territories and on territories with the emergency ecological situation, -

shall be punished by a penalty in an amount from five hundred to seven hundred monthly assessment indices or in the amount of wages or another income of the convict for a period from five to seven months, or by deprivation of liberty for the period of up to two years with the deprivation of the right to take certain positions or to be engaged in certain activity for the period of up to three years or without the same, with confiscation of property of the convict, as well as property being an object of criminal actions, a tool or a means of the commission of a crime, an item withheld from circulation, or without the same.

3. Actions stipulated by parts one and two of this Article committed with the inflicting of big damage or by an organised group, -

shall be punished by deprivation of liberty for a period from two to five years with confiscation of property of the convict, as well as property being an object of criminal actions, a tool or a means of the commission of a crime, an item withheld from circulation.

### **Article 288. Illegal Hunting**

1. Illegal hunting, if this act is committed as follows:

a) with causation of great considerable damage;



b) with the use of a mechanical transport vehicle or an aircraft, explosives, gas, or other means of mass extermination of birds or animals;

c) with regard to birds or animals, hunting for which is entirely forbidden;

d) on specially protected natural territories and on territories with an endangered ecological situation, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to two years, or by detention under arrest for a period from four to six months with confiscation of property being an object of criminal actions, a tool or a means of the commission of a crime, an item withheld from circulation, or without the same.

2. The same act committed repeatedly by a person with the use of his official position, or by a group of persons upon a preliminary collusion, or by an organised group,

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it with confiscation of property being an object of criminal actions, a tool or a means of commission of the crime, an item withheld from circulation, or without the same.

3. Actions stipulated by parts one or two of this Article committed with the inflicting of big damage or by an organised group, -

shall be punished by deprivation of liberty for a period from two to five years with confiscation of property of the convict, as well as property being an object of criminal actions, a tool or a means of commission of the crime, an item withheld from circulation.

**Note.** In articles of this chapter considerable damage, shall be understood to mean an amount of damage exceeding by one hundred and more times a monthly calculation base established by legislation of the Republic of Kazakhstan as of the moment of the commission of a given crime. Great damage shall be understood to mean damage exceeding by three hundred and more times a monthly calculation base established by legislation of the Republic of Kazakhstan as of the moment of commission of a given crime.

### **Article 289. Violation of Rules for the Protection of Fauna**

Mass destruction or perishing of fauna as a consequence of violation of the rules for its protection, in carrying out production processes or operation of transport vehicles, application of means of plants protection, mineral fertilizers, or other preparations, as well as the procedure for the use and protection of hunting areas and water bodies for fish-farming, which caused great damage, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to two years, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

#### **Article 290. Illegal Handling of Rare or Endangered by Extinction Flora and Fauna Species**

Illegal procurement, purchase, sale, as well as destruction of rare or endangered by extinction flora and fauna species which are entered in the Red Book of the Republic of Kazakhstan, or their habitat, -

shall be punished by restriction of freedom for a period up to three years, or imprisonment for the same period with confiscation of property of the convict, as well as property being an object of criminal actions, a tool or a means of commission of the crime, an item withheld from circulation.

#### **Article 291. Illegal Felling of Trees or Brushwood**

1. Illegal felling, as well as damaging to the degree of termination of growth of trees and brushwood in forests of all types, as well as trees or brushwood which are not entered into the forestry fund or prohibited for felling, if these acts caused considerable damage, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or by correctional labour for a period from six months up to one year.

2. Illegal felling, as well as damaging to the degree of termination of growth of trees and brushwood of all groups, as well as of trees and brushwood which are not entered into the forestry stock or prohibited for felling, if these acts are committed as follows:

a) repeatedly;

b) by a person with the use of his official position;

c) in a large amount, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period from one year to two years, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

#### **Article 291. An Illegal Cutting of Trees and Shrubs**

1. An illegal cutting, as well as damage up to the stop of the growth of trees and shrubs in forests of all the groups, as well as trees and shrubs being not in the forest stock if those actions inflict considerable damage, -

shall be punished by a penalty in an amount from one hundred to two hundred monthly assessment indices or in the amount of wages or another income of the convict for the period of up to two months, or by corrective labour for a period from six months to one year with confiscation of property of the convict, as well as property being an object of criminal actions, a tool or a means of commission of the crime, an items withheld from circulation, or without the same.

2. Same actions committed:

a) repeatedly;

b) by a person with the use of his official position;

c) with inflicting of big damage, -

shall be punished by a penalty in an amount from two hundred to five hundred monthly assessment indices or in the amount of wages or another income of the convict for a period from two to five months, or by corrective labour for a period from one year to two years, or by deprivation of the right to take certain positions or to be engaged in certain activity for the period of up to three years, with confiscation of property of the convict, as well as property being an object of criminal actions, a tool or a means of commission of the crime, an item withheld from circulation, or without the same.

3. Actions stipulated by parts one or two of this Article committed on specially protected territories or by an organised group, -

shall be punished by a penalty in an amount from five hundred to seven hundred monthly assessment indices, or by deprivation of liberty for the period of up to three years with confiscation of property of the convict, as well as property being an object of criminal actions, a tool or a means of commission of the crime, an item withheld from circulation.

## **Article 292. Destruction or Damaging Forests**

1. Destruction or damaging forests, as well as plantations which are not entered into the forestry stock, as a result of negligent handling of fire or other sources of great danger, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years.

2. Deliberate destruction or damaging of forests, as well as plantations which are not entered into the forestry stock, by way of arson or other publicly dangerous method, or as a result of pollution with harmful substances, wastes, emissions, or refuse, -

shall be punished by imprisonment for a period from three to eight years.

### **Article 293. Violation of the Regime of Specially Protected Natural Territories**

1. Violation of the regime of specially protected natural territories, which entailed the causation of considerable damage, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly calculation bases, or in an amount of wages or other income of a given convict for a period up to two months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or by correctional labour for a period from six months up to one year.

2. Deliberate damaging or destruction of facilities of the state natural-preserve fund on specially protected natural territories, which entailed the causation of considerable damage, -

shall be punished by restriction of freedom for a period up to three years, or by imprisonment for the same period.

### **Article 294. Failure to Undertake Measures for Liquidation of Consequences of Ecological Contamination**

Evasion of the conducting or improper conducting of decontamination or other restoration measures in areas subjected to ecological contamination by persons who bear obligations to carry out such measures, which entailed human death or mass diseases of people, or other grave consequences for the environment, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or by imprisonment for a period up to five years with deprivation of the right to hold certain positions or to engage in certain types of activity for the same period.

## **Chapter 12. Transport Crimes**

### **Article 295. Violation of Traffic Safety Rules and Rules for Operating Railway, Air, or Water Transport**

1. Violation of traffic safety rules, or rules for operating railway, air, sea, or river transport by a person who, due to the work performed by him or the position held, is obligated to comply with those rules, if this act entailed by negligence the causation of severe or medium gravity damage to a person's health, -

shall be punished by correctional labour for a period from six months up to two years, or by restriction of freedom for a period up to five years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

2. The same act which entailed by negligence the death of a person, -

shall be punished by imprisonment for a period up to seven years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

3. An act stipulated by the first part of this Article which entailed by negligence the death of two or more persons, -

shall be punished by imprisonment for a period from four to ten years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

4. The act provided for in the first part of this Article, if it did not entail, but deliberately created a threat of the consequences specified in the first, second or third part of this Article, -

shall be punished with a fine in an amount up to one thousand monthly assessment indices or in an amount of the wage or other income of the sentenced person for a period up to ten months or deprivation of the right to hold certain positions or engage in certain activities for a period up to one year, or arrest for a period up to four months, or deprivation of freedom for a period up to one year with deprivation of the right to hold certain positions or engage in certain activities for a period up to two years or without such.

**Note.** Transport shall be understood to mean all types of railway, sea, river, and air transport vehicles, including sea and river small-size vessels.

### **Article 296. Violation of Rules of the Road and Rules for Using Transport Vehicles by Persons Operating Them**

1. Violation by a person who is operating a vehicle, trolley-bus, tram, or other mechanical transport vehicle, of rules of the road, or rules for operating transport vehicles, which entailed by negligence the causation of severe or medium gravity damage to a person's health, -

shall be punished by restriction of freedom for a period up to five years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years with deprivation of the right to operate a transport vehicle for a period up to three years, or without it.

2. The same act which entailed by negligence human death, -

shall be punished by imprisonment for a period up to five years with deprivation of the right to operate a transport vehicle for a period up to three years.

3. An act stipulated by the first part of this Article, which entailed by negligence the death of two or more persons, -

shall be punished by imprisonment for a period from five to ten years.

**Note.** In this Article other mechanical transport vehicles shall be understood to mean tractors, motorcycles, or other self-propelled cars.

### **Article 297. Abandoning a Place of a Traffic Accident**

Abandoning a place of a road-traffic accident by a person operating a transport vehicle and having violated the rules of the road, or rules for operating transport vehicles, in case of the emergence of consequences stipulated by Article 296 of the present Code, -

shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

**Note.** A person having abandoned a place of a road-traffic accident in relation to the rendering of help to victims shall be exempt from criminal liability under this Article.

### **Article 298. Poor Quality Repair of Transport Vehicles, Their Release into Operation in Disrepair, and Admission for Operating a Transport Vehicle of a Person in a State of Alcoholic Inebriation**

1. Poor quality repair of transport vehicles, communication ways, means of signalling or communication, or other transport equipment, as well as release into operation of transport vehicles in a state of disrepair by a person who is responsible for the technical condition of transport vehicles, he being aware of that fact, if these acts entailed by negligence the causation of severe or medium gravity damage to health, -

shall be punished by a fine in an amount from four hundred up to seven hundred monthly assessment indices or in an amount of wages or other income of a given convict for a period from four to seven months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without such deprivation.

2. Admission for operating a transport vehicle of a person who is in a state of alcoholic, narcotic, or other inebriation, which is committed by a proprietor or a owner of a given transport vehicle, if this entailed by negligence the causation of severe or medium gravity damage to health, -

shall be punished by a fine in an amount from four hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from four to seven months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without such deprivation.

3. Acts stipulated in the first or second part of this Article which entailed by negligence human death, -

shall be punished by imprisonment for a period up to five years.

4. Acts stipulated by the first or second part of this Article, which entailed by negligence the death of two or more people, -

shall be punished by imprisonment for a period from four to ten years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

#### **Article 299. Deliberate Bringing into a State of Disrepair of Transport Vehicles or Communication Ways**

1. Deliberate destruction, damaging, or bringing by any other method into the condition unfit for operation of a transport vehicle, communication ways, signalling means, communications aids, or other transport equipment, as well as the blocking of transport communications, if these acts entailed by negligence the causation of severe or medium gravity damage to a person's health, or the causation of great damage, or disruption of normal work of transport and communication services, -

shall be punished by a fine in an amount from four hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from four to seven months or by deprivation of liberty for the period of up to three years, or by detention under arrest for a period from four to six months, or by imprisonment for a period up to four years.

2. The same acts which entailed by negligence human death, -

shall be punished by imprisonment for a period from three to eight years.

3. Acts stipulated by the first part of this Article which entailed by negligence the death of two or more persons, -

shall be punished by imprisonment for a period from six to ten years.

**Note.** In articles of this chapter great damage shall be understood to mean damage inflicted upon a citizen in an amount which exceeds by one hundred times a monthly calculation base, or damage inflicted upon a given organisation or the state in an amount which exceeds by five hundred times a monthly calculation base as established by legislation of the Republic of Kazakhstan as of the moment of the commission of a given crime.

#### **Article 300. Violation of the Rules Providing for Safe Work of Transport**

1. Violation by a passenger, passer-by, or other participant of traffic (except for persons indicated in Articles 295 and 296 of the present Code) of the traffic safety rules or rules for operating transport vehicles, if this act entailed by negligence the causation of severe damage to a person's health, -

shall be punished by a fine in an amount up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to seven months, or by restriction of freedom for a period up to three years, or by detention under arrest for a period from two to four months, or by imprisonment for a period up to two years.

2. The same act which entailed by negligence a person's death, -

shall be punished by restriction of freedom for a period up to four years, or by imprisonment for the same period.

3. An act stipulated by the first part of this Article which entailed by negligence the death of two or more persons, -

shall be punished by imprisonment for a period from three to eight years.

### **Article 301. Unwarranted Halting of a Train Without Need**

Unwarranted halting of a train without need by turning a stopcock, by disconnecting an air brake line, or by any other method, if this entailed a person's death or other grave consequences, -

shall be punished by imprisonment for a period from two to eight years.

### **Article 302. Violation of Rules Existing on Transport**

1. Violation of rules for providing order and traffic safety, which are in effect on transport, by persons who perform managerial functions at road, construction, or other organisations and who are responsible for the use of roads and road constructions, their equipment, as well as for the organisation of road traffic, if this entailed:

a) the causation of great damage;

b) the causation of a bodily injury of medium gravity, -

shall be punished by a fine in an amount from one hundred up to five hundred monthly assessment indices, or by detention under arrest for a period up to six months.

2. The same violation if it entailed grave consequences, -

shall be punished by restriction of freedom for a period up to five years, or by imprisonment for the same period.

### **Article 303. Violation of Safety Rules in the Construction, Operation, or Repair of Main Pipelines**

1. Violation of safety rules in constructing, operating, or repairing main pipelines, if this act entailed by negligence the causation of severe or medium gravity damage to a person's health or the causation of great damage,



shall be punished by restriction of freedom for a period up to four years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

2. The same act which entailed by negligence human death, -

shall be punished by imprisonment for a period up to five years.

3. An act stipulated by the first part of this Article which entailed by negligence the death of two or more people, -

shall be punished by imprisonment for a period from four to ten years.

#### **Article 304. Damaging or Destruction of Pipelines**

1. Damaging or destruction of pipelines which created a real threat of the causation of damage to people's health or to the environment, -

shall be punished by a fine in an amount from one hundred up to one thousand monthly assessment indices, or by detention under arrest for a period up to six months.

2. The same acts which entailed by negligence the causation of severe or medium gravity damage to people's health or the causation of great damage, -

shall be punished by restriction of freedom for a period up to five years, or by imprisonment for the same period.

3. Acts stipulated by the first part of this Article which entailed by negligence the death of one or several people, -

shall be punished by imprisonment for a period from four to ten years.

#### **Article 305. Failure of the Captain of a Vessel to Render Help to People Undergoing a Shipwreck or Disaster**

1. A failure by the captain of a given vessel to render help to people who are being wrecked at sea or other water way, if this help might have been rendered without serious danger to his own vessel, its crew and passengers, -

shall be punished by a fine in an amount from two hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to seven months, or by restriction of freedom for a period up to three years, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain activity for a period up to three years, or without it.

2. A failure to undertake proper measures by the captain of one of the vessels, which suffered a collision at sea or their water ways, for rescue of the other vessel, which entailed by negligence the destruction of a given vessel or other grave consequences, if those measures

might have been taken without serious danger to for his own vessel, its crew and passengers,

-

shall be punished by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or by correctional labour for a period up to two years.

### **Article 306. Violation of International Rules of Flights**

1. Non-compliance with routes indicated in a given permit, places of landing, air travel corridors, flight altitude, or other violation of rules for international flights, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five months up to one year, or by correctional labour for a period up to two years, or by restriction of freedom for a period up to two years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

2. The same acts which entailed a person's death or other grave consequences, -

shall be punished by imprisonment for a period from three to ten years.

## **Chapter 13. Corruption Crimes and Other Crimes Against the Interests of the State Service and State Administration**

### **Article 307. Abuse of Official Powers**

1. Use by a person authorised to exercise state functions, or by a person equated to such person, of their official powers against the interests of the office for the purposes of extracting benefits and advantages for themselves or other persons and organisations, or for causing harm to other persons or organisations, where this caused significant violation of the rights and legitimate interests of citizens or organisations, or the interests of the society or of the state,

shall be punished by a fine in an amount from one hundred to two hundred monthly assessment indices or in an amount of wages or other income of a convict for a period from one to two months or by deprivation of the right to hold certain positions or engage in certain types of activity for a period up to three years, or by detention under arrest for a period up to four months, or deprivation of freedom for a period up to two years.

2. The same act committed by an official person,

shall be punished by a fine in an amount from three hundred to five hundred monthly assessment indices or in an amount of wages or other income of a convict sentenced for a period from three to five months or deprivation of the right to hold certain positions or

engage in certain types of activities for a period up to five years, or by deprivation of freedom for a period up to four years.

3. The same act, committed by a person holding a senior state position,

shall be punished by a fine in an amount from five hundred to eight hundred monthly assessment indices or in an amount of wages or other income of a convict for a period from five to eight months or by deprivation of freedom for a period up to six years with deprivation of the right to hold certain positions or engage in certain types of activities for a period up to five year or without such.

4. Acts specified in the first, second or third parts of this Article, where they entail grave consequences,

shall be punished by deprivation of freedom for a period up to eight years with deprivation of the right to hold certain positions or engage in certain types of activities for a period up to seven years.

#### **Notes.**

1. Officials, deputies of the Parliament and of Maslikhats, judges and all civil servants in accordance with the Republic of Kazakhstan legislation concerning state service shall be recognised as persons authorised to exercise state functions.

2. The following shall be equated to persons authorised to exercise state functions:

1) persons elected to local self-government bodies;

2) citizens who have been registered as candidate Presidents of the Republic of Kazakhstan, deputies of the Republic of Kazakhstan Parliament and deputies of maslikhats as well as members of the elected bodies of local self-government in accordance with the procedure established by the law;

3) employees who permanently or temporarily work at the bodies of local self-government whose work remuneration is carried out from the state budget funds of the Republic of Kazakhstan;

4) persons who perform managerial functions at state-owned organisations and organisations at organisations in which the share of the state is not less than thirty-five percent.

3. Persons who permanently, temporarily or in accordance with a special authorisation perform functions of a representative of the state authorities or those that perform organisational or administrative and economic functions at the state bodies, bodies of local self-government, as well as at the Armed Forces of the Republic of Kazakhstan, other troops and military formations of the Republic of Kazakhstan, shall be recognised as official persons.

4. Persons who hold positions established by the Constitution of the Republic of Kazakhstan, constitutional laws and other laws of the Republic of Kazakhstan for direct performance of functions of the state and authorities of state bodies and equally persons who hold political offices of civil servants in accordance with the Republic of Kazakhstan legislation concerning civil service, shall be understood as persons holding senior state positions.

### **Article 308. Exceeding Power or Official Authority**

1. Exceeding power or official authority, that is commission by a person authorised to perform state functions, of by those equated to such person, of acts which obviously go beyond the bounds of his rights and authority, and which entailed substantial violation of rights and legitimate interests of citizens or organisations, or the interests of the society or the state which are protected by law,

shall be punished by a fine from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or by detention under arrest for a period from four to six months, or by deprivation of freedom for a period up to three years.

2. Same acts committed by an official person,

shall be punished by a fine in an amount from three hundred up to seven monthly assessment indices, or in an amount of wages or other income of a given convict for a period from three to seven months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or by deprivation of freedom for a period up to five years.

3. Same acts committed by a person holding a senior state position,

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices or in an amount of wages or other income of a convict for a period from five to ten months or by deprivation of freedom for a period up to eight years with deprivation of the right to hold certain positions or engage in certain activities for a period up to five years or without such deprivation.

4. Acts specified in the first, second or third parts of this Article that entailed grave consequences or committed as follows:

a) with the use of violence or threat of its use;

b) with the use of arms or special means;

c) for the purposes of extracting benefits or advantages for themselves or other persons or organisations, or for the purpose of causing harm to other persons or organisations,

shall be punished by deprivation of freedom for a period up to ten years with deprivation of the right to hold certain positions or engage in certain types of activities for a period up to seven years.

### **Article 309. Illegal Appropriation of the Authority of an Official**

Illegal appropriation by a civil servant, who is not an official, of the authority of a given official, and the commission in relation to that of acts which entailed significant violation of the rights and legitimate interests of citizens or organisations, -

shall be punished by a fine in an amount from fifty up to one hundred monthly assessment indices, or in amount of wages or other income of a given convict for a period up to one months, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to two years, or by detention under arrest for a period up to three months.

### **Article 310. Illegal Participation in Entrepreneurial Activity**

1. Establishment by a person authorised to perform state functions, or by a person equated to such person, of an organisation that carries out entrepreneurial activity, or participation in the management of such an organisation personally or through a proxy, despite the prohibition established by law, where these acts are associated with granting to such an organisation privileges and advantages, or with patronage in any other form,

shall be punished by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years with a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by engagement in public works for a period from one hundred and eighty up to two hundred and forty hours, or by detention under arrest for a period from three to six months, or by deprivation of freedom for a period up to one year.

2. Same acts committed by an official person,

shall be punished by deprivation of the right to hold certain positions or engage in certain activities for a period up to ten years with a fine in an amount from three hundred up to five hundred monthly assessment indices or in an amount of wages or other income of a convict for a period from three to five months, or deprivation of freedom for a period up to two years.

3. Commission by officials of acts which entailed a transfer the licensing authority to non-governmental organisations, including public associations,

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices or deprivation of the right to hold certain positions or engage in certain activities for a period up to three years.

### **Article 311. Receipt of a Bribe**

1. Receipt by person authorised to perform state functions, or by a person equated to such person, personally or through an intermediary of a bribe in the form of money, securities, other property, the right to property, or benefits of a material nature for the commission (omission) of actions in favour of the briber or persons represented by him, if such actions (omission of actions) are within the authority of a given person authorised to perform state functions, or a person equated to such person, or if he, by virtue of his official position, may contribute to such actions (omission of actions), as well as for general protectorate or connivance in service,

shall be punished by a fine in an amount from seven hundred up to two thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from seven months up to one year, or by restriction of freedom for a period up to five years, or by imprisonment for the same period with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years with confiscation of property or without such confiscation.

2. Same acts committed by an official and equally the receipt of a bribe for illegal actions (omission of acts), -

shall be punished by imprisonment for a period from three to seven years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to seven years with confiscation of property or without such confiscation.

3. Acts stipulated by the first or second part of this Article, which are committed by a person holding a responsible civil position, -

shall be punished by imprisonment for a period from five to ten years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to seven years with confiscation of property or without such confiscation.

4. Acts stipulated in the first, second, or third part of this Article, if they are committed as follows:

a) by way of extortion;

b) by a group of persons upon a preliminary collusion or by an organised group;

c) in a large amount,

d) several times, -

shall be punished by imprisonment for a period from seven to twelve years with forfeiture of property.

**Notes.**

1. A large amount of a bribe shall be understood to mean an amount of money, or value of securities, other property or benefits of material nature, which exceeds five hundred monthly assessment indices.

2. The receipt for the first time by person authorised to perform state functions or by a person equated to such person of property, the rights to property, or other material benefit, as a gift, in the absence of preliminary agreement, for earlier committed lawful actions (omission of actions), if the value of such a gift did not exceed two monthly assessment indices, shall not be recognised as a crime due to its small significance, and it shall be prosecuted through a disciplinary procedure.

### **Article 312. Giving a Bribe**

1. Giving a bribe to person authorised to perform state functions, or to a person equated to such person, personally or through an intermediary, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to two years, or by restriction of freedom for a period up to three years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to three years.

2. Giving a bribe to an official, and equally giving a bribe for the commission of deliberately illegal actions (omission of actions), or such actions committed repeatedly, or by an organised group, -

shall be punished by a fine in an amount from seven hundred up to two thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from seven months up to one year, or by restriction of freedom for a period up to five years, or by imprisonment for the same period.

3. Officials, in application to this Article, shall comprise the officials indicated in the note to Article 307 of this Code, as well as officials of foreign states.

### **Notes.**

1. The transfer for the first time to a person authorised to perform state functions, or to a person equated to such person for legal actions (omission of actions) committed by him earlier, of a gift in an amount or in value which does not exceed two monthly assessment indices, shall not entail criminal liability, if actions (their omission) committed by a person authorised to perform state functions, or by a person equated to such person were not stipulated by a preliminary agreement.

2. A person having given a bribe shall be exempt from criminal liability, if with regard to him there was extortion of a bribe on behalf of a person authorised to perform state functions, or a person equated to such person, or if that person voluntarily communicated the fact of having

given a bribe to the body which has the right to institute a criminal case concerning giving a bribe.

### **Article 313. Mediation in Bribery**

1. Mediation in bribery, that is assisting a briber and a bribe-taker in the achievement or implementation of an agreement between them on the receipt and giving a bribe, -

shall be punished by a fine in an amount from one hundred up to three hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to three months, or by correctional labour for a period up to one year, or by restriction of freedom for a period up to two years, or by detention under arrest for a period up to four months, or by imprisonment for a period up to two years.

2. The same act committed repeatedly or by an organised group, or by a person with the use of his official position, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five months up to one year, or by restriction of freedom for a period up to four years, or by imprisonment for the same period.

### **Article 314. Official Forgery**

Official forgery, that is the introduction by a person authorised to perform state functions or by a person equated to such person, of deliberately false information into official documents, as well as the introduction into said documents of corrections which distort their actual content, or issuing deliberately false or forged documents, where these acts are committed for extraction of benefits and advantages for himself or other persons or organisations, or for causing harm to other persons or organisations,

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to two years.

2. Same acts committed by an official person,

shall be punished by a fine in an amount from three hundred to five hundred monthly assessment indices or in an amount of wages or other income of a convict for a period from three to five months or by deprivation of freedom up to three years with deprivation of the right to hold certain positions or engage in certain types of activity for a period up to five years.

3. Acts specified in the first part of this Article, where they are committed by a person holding a senior state position,



shall be punished by a fine in an amount from five hundred to thousand monthly assessment indices or in an amount of wages or other income of a convict for a period from three to seven months or deprivation of freedom up to five years with deprivation of the right to hold certain positions or engage in certain types of activity for a period up to seven years.

### **Article 315. Inaction in the Service**

1. Inaction in the service, that is non-execution by a person authorised to perform state functions, or by a person equated to such person, of his service duties for the purposes of extracting benefits and advantages for himself or other persons or organisations or causing harm to other persons or organisations, where this entailed significant violation of the rights and legitimate interests of citizens or organisations, or the interests of the society or the state protected by law,

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or by detention under arrest for a period up to four months, or by deprivation of freedom for a period up to two years.

2. Same act committed by an official person,

shall be punished by a fine in an amount from three hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from three to five months, or by deprivation of freedom for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years.

3. Same acts committed by a person holding a senior state position,

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices or in an amount of wages or other types of income of a convict for a period from five to eight hundred months or by deprivation of freedom for a period up to five years with deprivation of the right to hold certain positions or engage in certain types of activity for a period up to five years or without such.

4. Acts specified by the first, second, or third part of this Article, which entailed grave consequences,

shall be punished by deprivation of freedom for a period up to eight years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to seven years.

### **Article 316. Negligence**

1. Negligence, that is a failure to execute or improper execution by an official of his duties as a result of his unscrupulous or neglectful attitude towards service, if this entailed significant

violation of the rights and legitimate interests of citizens or organisations, or interests of the society or the state which are protected by law,

shall be punished by a fine in an amount up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to three months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period up to one year, or by detention under arrest for a period up to three months.

2. The same act which entailed by negligence human death or other grave consequences, -

shall be punished by imprisonment for a period up to five years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

## **Chapter 14. Crimes Against the Governmental Order**

### **Article 317. Outrage upon the State Flag, the State Coat of Arms, or the State Hymn of the Republic of Kazakhstan**

Outrage upon the State Flag, the State Coat of Arms, or the State Hymn of the Republic of Kazakhstan, -

shall be punished by a fine in an amount from two hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to ten months, or by restriction of freedom for a period up to two years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to one year.

### **Article 318. Infringement upon Honour and Dignity of the President of the Republic of Kazakhstan and Impeding His Activity**

1. A public insult or other infringement upon the honour and dignity of the President of the Republic of Kazakhstan, -

shall be punished by a fine in an amount from two hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to seven months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period up to one year, or by detention under arrest for a period up to five months, or by imprisonment for a period up to one year.

2. The same act committed with the use of the mass information media, -

shall be punished by a fine in an amount from five hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to ten months, or by correctional labour for a period from one year up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to three years.

3. Exerting influence in any form upon the President of the Republic of Kazakhstan or his close relatives for the purposes to preclude him from the execution of his obligations,

shall be punished by restriction of freedom for a period up to five years, or by imprisonment for the same period.

**Note.** Public speeches containing critical remarks concerning the policy conducted by the President of the Republic of Kazakhstan shall not entail criminal liability under this Article.

### **Article 319. Infringement upon the Honour and Dignity of a Deputy and Impeding His Activity**

1. A public insult to a deputy of the Parliament of the Republic of Kazakhstan when he is executing his deputy obligations or in relation to the execution of them, , -

shall be punished by a fine in an amount from one hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to five months, or by engagement in public works for a period up to one hundred eighty hours, or by correctional labour for a period up to one year, or by restriction of freedom for the same period, or by detention under arrest for a period up to four months.

2. The same act committed with the use of the mass information media, -

shall be punished by a fine in an amount from three hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from three to eight months, or by correctional labour for a period from one to two years, or by restriction of freedom for a period up to two years, or by detention under arrest for a period up to six months, or imprisonment for a period up to two years.

3. Exerting influence in any form upon a deputy of the Parliament of the Republic of Kazakhstan or his close relatives for the purpose of precluding him from the execution of his obligations, -

shall be punished by correctional labour for a period up to two years, or by restriction of freedom for a period up to three years, or by imprisonment for the same period.

**Note.** Public speeches containing critical comments concerning deputy activity of a deputy of the Parliament of the Republic of Kazakhstan shall not entail criminal liability under this Article.

### **Article 320. Insulting a Representative of the State Authorities**

1. A public insult of a representative of the state authorities when he is executing his service duties or in relation to their execution, -

shall be punished by a fine in an amount from one hundred up to four hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to four months, or by engagement in public works for a period up to one hundred

eighty hours, or by correctional labour for a period up to one year, or by restriction of freedom for the same period, or by detention under arrest for a period up to three months.

2. The same act committed with the use of mass information media, -

shall be punished by a fine in an amount from three hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from three to seven months, or by correctional labour for a period up to two years, or by restriction of freedom for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to one year.

#### **Notes.**

1. In this Article and other articles of the present Code, a representative of the state authorities shall be understood to mean an official of a state body who is invested, in accordance with the established procedure, with commanding powers with regard to persons who are not in service dependence upon him.

2. Public speeches which contain critical statements concerning the service activity of a representative of the state authorities shall not entail criminal liability under the present Article.

#### **Article 321. Violence with Regard to a Representative of the State Authorities**

1. Violence which is not dangerous for health or life, or a threat to use such violence, with regard to a representative of the state authorities or his relatives in relation to the execution by him of his service duties, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period up to six months, or by imprisonment for a period up to five years.

2. The use of violence, which is dangerous for life or health, with regard to persons indicated in the first part of this Article, -

shall be punished by imprisonment for a period from five to ten years.

#### **Article 321-1. Obstruction of the Activities of a Procurator and Failure to Observe His Legitimate Requirements**

Failure to observe the acts of the procurator supervision, and equally obstruction of his activities, where it entails causation of substantial harm to rights and legitimate interests of citizens or organisations, or the interests of the society or the state which are protected by the law, -

shall be punished with a fine in amount up to five hundred monthly assessment indices or in amount of wages or other income of the convict for a period from two to six months, or

engagement in public works for a period from one hundred and eighty to two hundred and forty hours, or arrest for a period up to six months, or deprivation of freedom for a period up to one year.

### **Article 322. Divulging of Information Concerning the Safety Measures Applied with Regard to an Official Holding a Responsible State Position**

1. Divulging of information concerning the safety measures applied with regard to an official who holds a responsible state position, as well as his relatives, by a person to whom that information was entrusted or became known to him in relation to his service activity, -

shall be punished by a fine in an amount from two hundred up to four hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to four months, or by detention under arrest for a period up to four months.

2. The same act which entailed grave consequences, -

shall be punished by imprisonment for a period up to five years.

### **Article 323. Acquisition or Sale of Official Documents and State Awards**

Illegal acquisition or sale of official documents which grant the rights or exempt from obligations, as well as of state awards of the Republic of Kazakhstan or the USSR, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by correctional labour for a period up to one year, or by detention under arrest for a period up to three months.

### **Article 324. The Stealing or Damaging of Documents, Stamps, or Seals**

1. Stealing from a citizen of his passport, identification papers, or other important personal document, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by correctional labour for a period up to one year, or by detention under arrest for a period up to three months.

2. Stealing, destruction, damaging, or concealment of official documents, seals, or stamps, which is committed for venal purposes or other personal interests, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to two years, or by detention under arrest for a period up to four months, or by imprisonment for a period up to one year.

### **Article 325. Forgery, Manufacture, or Sale of Forged Documents, Seals, Stamps, Blank Forms, or State Awards**

1. Forgery of a certificate or other official document which grants a right or exempts from obligations, or sale of such a document, as well as manufacture or sale of forged stamps, seals, blank forms, state awards of the Republic of Kazakhstan or of the USSR, -

shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years.

2. The same acts committed repeatedly or by a group of persons upon a preliminary collusion, -

shall be punished by imprisonment for a period up to four years.

3. The use of a forged document by a person being aware of that fact, -

shall be punished by a fine in an amount from one hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to five months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period up to one year, or by detention under arrest for a period up to six months.

### **Article 326. Evasion of Military Service**

1. Evasion of a draft for military service in the absence of lawful reasons for exemptions from that service, -

shall be punished by a fine in an amount from two hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to ten months, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years.

2. The same act committed as follows:

a) by way of the causation of damage to one's own health;

b) by way of simulating a disease;

c) by way of forgery of documents or other deception, -

shall be punished by imprisonment for a period up to five years.

**Note.** A draftee shall be exempt from criminal liability, if, prior to the transfer by the investigation body of a given case to a court, he voluntarily appeared at the draft board.

### **Article 327. Arbitrariness**

1. Arbitrariness, that is unwarranted, against the order established by legislation, the exercise of one's actual or presumptive right that is disputed by another person or organisation, which inflicted considerable damage upon the rights or legitimate interests of citizens or organisations, or interests of the society or the state which are protected by law, -

shall be punished by a fine in an amount from two hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to ten months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period from one year up to two years, or by detention under arrest for a period from three to six months.

2. The same act committed with violence or a threat to use it, -

shall be punished by restriction of freedom for a period up to three years, or by imprisonment for a period up to five years.

3. Acts stipulated by the first or second part of this Article, which are committed by a group of persons upon a preliminary collusion or which entailed grave consequences, -

shall be punished by imprisonment for a period from two to seven years.

#### **Article 328. Unwarranted Appropriation of a Title of a Representative of the State Authorities or an Official Holding a Responsible State Position**

Unwarranted appropriation of a title of a representative of the state authorities or an official holding a responsible state position, which is associated with the commission on that basis of a crime, -

shall be punished by restriction of freedom for a period up to three years, or by imprisonment for a period up to two years.

#### **Article 329. Illegal Raising of the State Flag**

Illegal raising of the State Flag of the Republic of Kazakhstan on a trade vessel, -

shall be punished by a fine in an amount from one hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to ten months.

#### **Article 330. Deliberate Illegal Crossing of the State Border of the Republic of Kazakhstan**

1. Deliberate illegal crossing of the State Border of the Republic of Kazakhstan without proper documents and a proper permit, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by imprisonment for a period up to two years.

2. The same act committed by a group of persons upon a preliminary collusion, or by an organised group, or with violence or a threat to apply it, -

shall be punished by imprisonment for a period up to five years.

### **Article 330-1. Failure to Implement a Decision on Expulsion**

Failure of foreign citizens and stateless persons to comply with the decisions adopted for their expulsion beyond the boundaries of the Republic of Kazakhstan -

shall be punished with a fine in an amount from one hundred up to five hundred monthly assessment indices or in amount of the wages or other income of the convict for the period from one to five months, or with arrest for a period up to six months, or deprivation of freedom for a period up to one year.

### **Article 330-2. Organisation of Illegal Migration**

1. Organisation of illegal migration by way of providing transport vehicles or counterfeit documents, housing, or other premises, as well as rendering of other services to citizens, foreigners and stateless persons for illegal entry into, exit from, movement within the territory of the Republic of Kazakhstan -

shall be punished by fine in amount from two to five hundred monthly assessment indices or in amount of wages or other income of a convict for the period from two to ten months or by deprivation of freedom for a period up to two years.

2. The same acts committed by an organised group or with the use of service authority, -

shall be punished by deprivation of freedom for a period up to five years.

### **Article 330-3. Multiple Violation of the Rules for Invitation and Use in the Republic of Kazakhstan of Foreign Man Power**

1. Multiple acceptance for work by an employer of foreigners or stateless persons who are present in the territory of the Republic of Kazakhstan without appropriate permit from the authorised body, -

shall be punished with a fine in amount from five hundred to seven hundred of monthly assessment indices or in amount of wages or other income of the convict for the period from five to seven months or with engagement in public work for a period from one hundred to two hundred and forty hours.

2. Multiple violation by an employer of the rules of using foreign manpower in the Republic of Kazakhstan,

shall be punished by a fine in amount from seven hundred to nine hundred of monthly assessment indices or in amount of wages or other income of the convict for the period from seven months to one year, or by engagement in public work for a period from one hundred and forty to two hundred and forty hours.



### **Article 331. Illegal Changing of the State Border of the Republic of Kazakhstan**

1. Withdrawal, transfer, or destruction of frontier signs, for the purpose of illegal changing of the State Border of the Republic of Kazakhstan, -

shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years.

2. The same acts which are committed repeatedly, or which entailed grave consequences, - shall be punished by imprisonment for a period up to four years.

### **Article 332. Illegal Use of Emblems and Symbols of the Red Crescent and the Red Cross**

Illegal use of emblems and distinguishing symbols of the Red Crescent and the Red Cross, as well as of the name of the Red Crescent and the Red Cross, -

shall be punished by a fine in an amount from one hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to ten months, or by engagement to in public works for a period from one hundred eighty up to two hundred forty hours, or by detention under arrest for a period from three to six months.

### **Article 333. Violation of Rules for the Protection of Communication Lines**

Violation of rules for the protection of communication lines which entailed the damaging of a cable line of inter-city communication, if it caused an interruption in communication, -

shall be punished by a fine in an amount from one hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to five months, or by detention under arrest for a period up to three months.

### **Article 334. Violation of the Procedure for the Organisation and Conducting of Rallies, Meetings, Picketing, Street Marches, or Demonstrations**

1. Violation of the procedure for the organisation or conducting of rallies, meetings, picketing, street marches, or demonstrations, which is committed by an organiser of a rally, meeting, picketing, street march, or demonstration, if this act entailed disruption of transport, or caused considerable damage to the rights and legitimate interests of citizens and organisations, -

shall be punished by a fine in an amount from one hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to eight months, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by detention under arrest for a period up to four months.

2. The organisation or conducting of illegal rallies, meetings, picketing, street marches, or demonstrations, which is committed by an organiser of a given rally, meeting, picketing, street march, or demonstration, as well as active participation in illegal rallies, meetings, picketing, street marches, or demonstrations, if these acts entailed consequences stipulated by the first part of this Article, -

shall be punished by a fine in an amount from two hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to ten months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by detention under arrest for a period up to six months, or by imprisonment for a period up to one year.

### **Article 335. Directing of a Prohibited Strike, and Impeding the Work of an Enterprise or an Organisation under the Conditions of an Emergency Situation**

Directing of a prohibited strike under the conditions of an emergency situation, as well as impeding, under such conditions, the work of an organisation, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period up to six months, or by imprisonment for a period up to one year.

### **Article 336. Illegal Interference of Members of Public Associations in the Activity of State Bodies**

1. Impeding legal activity of state bodies, or appropriation of functions of state bodies or their officials by members of public associations, as well as the creation in the state bodies of organisations of political parties, if these acts entailed considerable violation of the rights and legitimate interests of citizens or interests of the society or the state protected by law, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to one year, or by detention under arrest for a period up to four months.

2. The same acts which are committed by the head of a public association shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by correctional labour for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to one year with deprivation of the right to hold certain positions or to engage in certain types of activity of a period up to three years.

### **Article 337. Creation or Participation in the Activity of Illegal Public Associations**

1. Creation or guidance of a religious or public association the activity of which is associated with violence against citizens or other causation of damage to their health, or with inducing citizens to refuse to perform their civil obligations or to commit other illegal actions, as well as the creation or guidance of a party on a religious basis or a political party or a trade union which are financed by foreign states, or foreign citizens or by foreign or international organisations, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly calculation bases, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period up to two years, or by detention under arrest for a period up to four months, or by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

2. Creation of a public association which proclaims or carries out in practice racial, national, tribal, social, class, or religious intolerance or exclusiveness, or which calls for the subversion of the constitutional order, disruption of safety of the state, or infringements upon the territorial integrity of the Republic of Kazakhstan, as well as the guidance of such an association, -

shall be punished by correctional labour for a period up to two years, or by restriction of freedom for a period up to five years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

3. Active participation in the activity of public associations indicated in the first or second part of this Article, -

shall be punished by a fine in an amount from one hundred up to three hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by correctional labour for a period up to one year, or by detention under arrest for a period up to four months or imprisonment for a period up to one year.

### **Article 338. Rendering Assistance to Political Parties and Trade Unions of Foreign States**

Financing, granting premises or property, as well as rendering other assistance to political parties or trade unions of other states, if this acts entailed considerable violation of the rights and legitimate interests of citizens or organisations, or interests of the society or the state protected by law, -

shall be punished by a fine in an amount from three hundred up to one thousand monthly assessment indices, or by correctional labour for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to one year.

## **Chapter 15. Crimes Against Justice and the Order for Carrying Out Punishment**

### **Article 339. Obstructing the Administration of Justice and Performance of a Preliminary Investigation**

1. Interference in any form with the activity of a court for the purposes of obstructing the administration of justice, -

shall be punished by a fine in an amount from two hundred up to three hundred minimum assessment indices, or in an amount of wages, or other income of a given convict for a period from two to five months, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years.

2. Interference in any form with the activity of a prosecutor, investigator, or a person carrying out an inquest, for the purpose of impeding the comprehensive, complete, and objective investigation of a given case, -

shall be punished by a fine in an amount from one hundred up to two hundred minimum assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by detention under arrest for a period from three to six months.

3. Acts stipulated by the first or second part of this Article committed by a person with the use of his official position, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for the same period, or without it.

### **Article 340. An Attempt upon the Life of a Person Administering Justice or Carrying out a Preliminary Investigation**

An attempt upon the life of a judge, prosecutor, investigator, a person carrying out an inquest, counsel for the defence, expert, bailiff, or court executor, as well as their relatives in relation to the consideration of cases or materials in court, carrying out a preliminary investigation, or execution of a judgement, court decision, or other judicial act, which is committed for the purposes of impeding legitimate activity of said persons, or out of revenge for such activity, -

shall be punished by imprisonment for a period from ten to twenty years, or by capital punishment, or life-time imprisonment.

### **Article 341. Threatening or Violent Actions in Relation to the Administration of Justice or Carrying out a Preliminary Investigation**

1. Threatening with murder, causation of damage to health, damaging or destruction of property with regard to a judge, as well as his relatives in relation to the consideration of cases or materials in court, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by imprisonment for a period up to three years.

2. The same act committed with regard to a prosecutor, investigator, a person carrying out an inquest, counsel for the defence, expert, bailiff, executor, as well as their relatives in relation to the carrying out a preliminary investigation, consideration of a given case or materials in court, or execution of a judgement, court decision, or other judicial act, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years.

3. Acts stipulated by the first or second part of this Article which are committed with violence that is not dangerous for life or health, -

shall be punished by imprisonment for a period up to five years.

4. Acts stipulated by the first or second part of this Article committed with violence which is dangerous for life or health, -

shall be punished by imprisonment for a period from five to ten years.

#### **Article 342. Contempt of Court**

1. Contempt of a court, which is expressed by insulting participants of a given court hearing,

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by detention under arrest for a period from two to four months.

2. The same act which is expressed in the insulting of a judge, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by correctional labour for a period from one to two years, or by detention under arrest for a period from four to six months.

#### **Article 343. Slander with Regard to a Judge, Prosecutor, Investigator, a Person Carrying out an Inquest, Bailiff, or Executor**

1. Slander with regard to a judge in relation to the consideration of cases or materials in court, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period

from two to five months, or by correctional labour for a period from one to two years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years.

2. The same act committed with regard to a prosecutor, investigator, a person carrying out an inquest, bailiff, or executor, in relation to the carrying out of a preliminary investigation or execution of a judgement, court's decision, or other judicial act, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by correctional labour for a period up to two years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years.

3. Acts stipulated by the first or second part of this Article which are combined with an accusation against a person of the commission of a grave or an especially grave crime, -

shall be punished by imprisonment for a period up to four years.

#### **Article 344. Bringing to Criminal Liability of an Innocent Person, Being Fully Aware of That Fact**

1. Bringing to criminal liability of an innocent person, being fully aware of that fact, -

shall be punished by imprisonment for a period up to five years.

2. The same act combined with an accusation of a given person in the commission of a grave or an especially grave crime, -

shall be punished by imprisonment for a period from three to ten years.

#### **Article 345. Intentionally Illegal Exemption from Criminal Liability**

Intentionally illegal exemption from criminal liability of a person, who is suspected or accused of the commission of a crime, by a prosecutor, investigator, or a person carrying out an inquest, -

shall be punished by imprisonment for a period from two to seven years.

#### **Article 346. Deliberately Illegal Detention, Commitment, or Keeping in Custody**

1. Deliberately illegal detention of a person, -

shall be punished by restriction of freedom for a period up to three years, or by detention under arrest for a period from four to six months, or by imprisonment for a period up to two years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

2. Deliberately illegal placing under arrest or keeping under custody, -

shall be punished by imprisonment for a period up to four years.

3. Acts stipulated by the first or second part of this Article, which entailed grave consequences, shall be punished by imprisonment for a period from three to eight years.

#### **Article 347. Coercion to Provide Evidence**

1. Coercion of a suspect, defendant, a victim, or a witness to give evidence, or coercion of an expert to present findings, by way of threatening, blackmail, or other illegal actions on behalf of a given investigator or a person carrying out an inquest, -

shall be punished by imprisonment for a period up to three years.

#### **Article 347-1. Torture**

1. Deliberate causation of physical or psychic suffering, committed by an investigator, person who carries out inquest, or another official person for the purpose of receiving from the tortured person or a third person of information or confession or of punishing him for the act which that person committed himself or of the commission of which the person is suspected, as well as threatening or compelling him or a third person, or for any reason based on discrimination of any nature,

shall be punished by a fine in an amount of two hundred up to five hundred monthly assessment indices or in the amount of wages or other income of the convict for a period from two to five months, or deprivation of the right to hold certain positions for a period up to three years, or restriction of freedom for a period up to five years, or deprivation of freedom for the same period.

2. The same act committed as follows:

a) by a group of persons or a group of persons on a prior collusion;

b) not one time;

c) with causation of medium gravity harm to health;

d) to a woman who, of which the guilty was aware, was pregnant, or a juvenile,

shall be punished with deprivation of freedom for a period up to seven years with deprivation of the right to hold certain positions or engage in certain activities for a period up to three years.

3. The same act, if caused grave bodily harm or by negligence the death of a victim,

shall be punished with deprivation of freedom for a period from five to ten years with deprivation of the right to hold certain positions or engage in certain activities for a period up to three years.

**Note.**

Physical and psychic suffering resulting from legitimate acts of official persons shall not be recognised as torture.

#### **Article 348. Falsification of Evidence**

1. Falsification of evidence in a civil case by a person participating in it, or by his representative, -

shall be punished by a fine in an amount from five hundred up to eight hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to eighty months, or by correctional labour for a period from one to two years, or by detention under arrest for a period from two to four months, or by restriction of freedom for a period up to two years.

2. Falsification of evidence in a criminal case by a person carrying out an inquest, investigator, prosecutor specialist who participates in the procedural acts, or counsel of the defence, -

shall be punished by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

3. Falsification of evidence in a criminal case concerning a grave or an especially grave crime, as well as falsification which entailed grave consequences, -

shall be punished by imprisonment for a period from three to seven years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

#### **Article 349. Provocation of Commercial Subornation or a Corruption Crime**

1. Provocation of commercial subornation, that is an attempt to transfer money to a person performing managerial functions in commercial or other organisations, without the latter's consent, material values or advantages for the purposes of artificial creation of evidence of the commission of a crime or blackmail,

shall be punished by a fine in an amount from one hundred up to three hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to three months, or by deprivation of freedom for a period up to five years with confiscation of assets or without such confiscation.

2. Provocation of a corruption crime, that is the same act committed against a person authorised to perform state functions, or against a person equated to such person,

shall be punished by a fine in an amount from two hundred to five hundred monthly assessment indices or in an amount of wages or other income of a convict for a period from three to five months with deprivation of the right to hold certain positions or engage in certain types of activity for a period up to three years or by deprivation of the right for a period up to seven years with confiscation of assets or without such.



### **Article 350. Passing a Deliberately Unjust Sentence, Decision, or Other Judicial Act**

1. Passing by a judge (judges) of a deliberately unjust judgement, decision, or other judicial act, -

shall be punished by a fine in an amount from five hundred up to seven hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from five to seven months, or by imprisonment for a period up to five years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

2. The same act which is associated with the passing of an illegal sentence to imprisonment or which entailed other grave consequences, -

shall be punished by imprisonment for a period from two to seven years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years.

### **Article 351. Deliberately False Denunciation**

1. A deliberately false denunciation concerning the commission of a crime, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by correctional labour for a period from one year to two years, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years.

2. The same act combined with an accusation of a person in the commission of a grave or an especially grave corruption crime, or with the fabrication of artificial evidence for the prosecution, or committed for venal purposes, -

shall be punished by imprisonment for a period up to six years.

3. Acts stipulated by the first or second part of this Article which are committed in the interests of an organised group or a criminal association (criminal organisation), -

shall be punished by imprisonment for a period from three to eight years.

### **Article 352. Deliberately False Testimony or Expert Findings, or Incorrect Translation**

1. Deliberately false testimony of a witness or a victim, or findings of an expert in court, or in the carrying out of an inquest or a preliminary investigation, as well as intentionally incorrect translation made by a translator in the same cases, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by engagement in public works for a period from one hundred

eighty up to two hundred forty hours, or by correctional labour for a period up to two years, or by detention under arrest for a period up to three months.

2. The same acts combined with an accusation of a person in the commission of a grave or an especially grave corruption crime, or combined with artificial creation of evidence for the prosecution, as well as such acts committed for venal purposes, -

shall be punished by imprisonment for a period from three to eight years.

**Note.** A witness, victim, expert, or translator shall be exempt from criminal liability, if they voluntarily in the course of an inquest, preliminary investigation, or a court hearing, prior to the passing of a sentence or a decision by the court, admitted the falsity of evidence given by them, findings, or incorrect translation.

### **Article 353. Refusal by a Witness or Victim of Giving Evidence**

A refusal by a witness or victim to give evidence in court, or in the course of an inquest or preliminary investigation, -

shall be punished by a fine in an amount from fifty up to one hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by correctional labour for a period up to one year, or by detention under arrest for a period up to three months.

**Note.** A person shall not be subject to criminal liability for a refusal to give evidence against himself or herself, a spouse, or close relatives, as well as ecclesiastics for a refusal to testify against those who confided to them at the confessional.

### **Article 354. Subornation or Coercion to Giving False Evidence or to Evasion of Giving Evidence, or False Findings, or Incorrect Translation**

1. Subornation of a witness or victim for the purposes of the giving of false evidence by them, or of an expert for the purpose of the issuing by him of false findings, as well as of a translator for the purposes of making by him of an incorrect translation, -

shall be punished by a fine in an amount up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to ten months, or by restriction of freedom for a period up to three years, or by imprisonment for the same period.

2. Coercion of a witness or a victim to give false evidence, or of an expert to issue false findings, or a translator to make incorrect translation, as well as coercion of said persons to evade giving evidence, which is combined with blackmail, threatening with murder, causation of damage to health, destruction of property of those persons or of their relatives, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period

from two to five months, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to three years.

3. An act stipulated by the second part of this Article which is committed with violence not dangerous for life or health of said persons, -

shall be punished by imprisonment for a period up to five years.

4. Acts stipulated by the first or second part of this Article, which are committed by an organised group or with violence which is dangerous for life or health of said persons, and equally associated with accusation of committing a corruption crime, grave or especially grave crime, -

shall be punished by imprisonment for a period from two to eight years.

### **Article 355. Divulgence of Information Received in the Course of an Inquest or a Preliminary Investigation**

Divulgence of information received in the course of an inquest or preliminary investigation by a person who was warned through the procedure established by law of the inadmissibility of their divulgence, if it is committed without the consent of a given prosecutor, investigator, or a person carrying out an inquest, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by correctional labour for a period from one to two years, or by detention under arrest for a period up to three months.

### **Article 356. Divulgence of Information Concerning Safety Measures Applied with Regard to a Judge and Participants in Criminal Proceedings**

1. Divulgence of information concerning safety measures applied with regard to a judge, court bailiff, court executor, victim, witness, or other participants in criminal proceedings, as well as with regard to their relatives, if this act is committed by a person to whom that information was entrusted or became known in relation to his service activity, -

shall be punished by a fine in an amount from two hundred up to four hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to four months, or by restriction of freedom for a period up to two years, or by detention under arrest for a period up to four months.

2. The same act which entailed grave consequences, -

shall be punished by imprisonment for a period up to five years.

### **Article 357. Illegal Actions with Regard to Property Subjected to Distrainment or Attachment, or Subject to Confiscation**

1. Embezzlement, alienation, concealment, or illegal transfer of property which was subjected to distraintment or attachment, or upon which a restriction is imposed with regard to its disposal, which is committed by a person to whom that property was entrusted, as well as the commission by an employee of a loan organisation of banking transactions with monetary funds (deposits) which are attached, or with regard to which expenditures are suspended, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years.

2. Concealment or appropriation of property subject to confiscation under a court's judgement, as well as other evasion of the execution of a court's judgement which entered into legal force concerning the confiscation of property, -

shall be punished by a fine in an amount from seven hundred up to one thousand monthly assessment indices, or in an amount of wages or other income of a given convict for a period from seven months up to one year, or by imprisonment for a period up to three years with a fine in an amount up to fifty monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to one month.

#### **Article 358. Escape from Places of Imprisonment, from Arrest, or Custody**

1. Escape from places of imprisonment, from arrest, or custody, which is committed by a person enduring punishment or being in pretrial incarceration, -

shall be punished by imprisonment for a period up to three years.

2. The same act committed as follows:

a) by a group of persons upon a preliminary collusion;

b) with violence which is dangerous for life or health, or with a threat to use such violence;

c) with arms or objects used as arms, -

shall be punished by imprisonment for a period up to seven years.

**Note.** A person who voluntarily returned within seven days from the moment of the commission of an escape to the place of his imprisonment or under custody, shall be exempt from criminal liability for the escape, unless he committed another new crime, and unless his escape was combined with actions stipulated by subparagraphs b) and c) of the second part of this Article.

#### **Article 359. Evasion of Endurance of Punishment in the Form of Imprisonment**

A failure of a convict to return to a given penitentiary institution, who was permitted a short-time exit from the place of imprisonment, upon the expiration of the term of exit, as well as

of a convict who has the right to move around, or who is under supervision, which is committed for the purpose of evasion of further endurance of punishment in the form of imprisonment, -

shall be punished by imprisonment for a period up to two years.

### **Article 360. Malicious Disobedience of the Administrative Requirements of a Penal Institution**

Malicious disobedience of the legitimate requirements of the administration of a penal institution by a person serving punishment in a place of imprisonment, -

shall be punished by imprisonment for a period up to two years.

### **Article 361. Disorganization of Normal Activity of Institutions Providing for Isolation from the Society**

1. A threat to use violence with regard to an employee of a place for imprisonment or a place of keeping under custody, as well as with regard to a convict for the purposes to impede his correction or out of revenge for the execution by him of a public duty, -

shall be punished by imprisonment for a period up to five years.

2. The use of violence, which is not dangerous for life or health, with regard to persons indicated in the first part of this Article, -

shall be punished by imprisonment for a period from three to seven months.

3. Acts stipulated by the first or second part of this Article, which are committed by a group of persons upon a preliminary collusion or with violence which is dangerous for life or health, -

shall be punished by imprisonment for a period from five to ten years.

### **Article 362. Non-Execution of a Court's Judgement, Court's Decision, or Other Judicial Act**

1. Malicious non-execution of a court's judgement, court's decision, or of other judicial act which entered into legal force, as well as impeding their execution, -

shall be punished by a fine in an amount up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to two months, or by engagement in public works for a period from one hundred twenty up to one hundred eighty hours, or by detention under arrest for a period up to four months.

2. The same acts committed by a representative of the state authorities, a civil servant, an employee of a local administration body, as well as by an employee of a state organisation, commercial or other organisation, -

shall be punished by a fine in an amount from two hundred up to four hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to four months, or by deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to five years, or by engagement in public works for a period from one hundred eighty up to two hundred forty hours, or by detention under arrest for a period from three to six months, or by imprisonment for a period up to two years.

3. Malicious violation of the Rules of administrative supervision established by the court over the persons released from the places of deprivation of freedom, and equally unauthorized departure by a person under supervision of his place of residence or failure to arrive within the established period to the selected place of residence after the release from the place of deprivation of freedom for the purpose of evasion of administrative supervision -

shall be punished with correction work for a period from one year to two years or arrest for a period from four to six months or deprivation of freedom for a period up to one year.

### **Article 363. Covering Up a Crime**

The covering up of a grave or an especially grave crime, if it was not promised in advance, -

shall be punished by a fine in an amount from two hundred up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from two to five months, or by detention under arrest for a period from three to six months, or by restriction of freedom for a period up to two years, or by imprisonment for a period up to two years.

**Note.** A person shall not be subject to criminal liability for covering up a crime committed by his spouse or a close relative, if that person did not promise it in advance.

### **Article 364. A Failure to Report about a Crime**

A failure to inform of an especially grave crime which is reliably known to be in preparation or already committed, -

shall be punished by a fine in an amount from one hundred up to two hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period from one to two months, or by detention under arrest for a period up to three months, or by restriction of freedom for a period up to one year.

**Note.** A spouse or a close relative of a person having committed a crime shall not be subject to criminal liability under this Article for non-reporting about the commission of a given crime, as well as ecclesiastics for not informing of crimes committed by persons who confided to them in confession.

### **Article 365. Impeding Legal Activity of Attorneys or Other Persons Associated With the Protection of Citizens and Rendering Legal Assistance to Them**

Impeding legal activity of attorneys and other persons which is associated with the protection of citizens in criminal proceedings, as well as with the rendering of legal assistance to citizens and organisations, or other violation of the autonomy and independence of such activity, if these acts caused considerable damage to the rights and legitimate interests of citizens or organisations, or to interests of the society or the state protected by law, -

shall be punished by a fine in an amount up to five hundred monthly assessment indices, or in an amount of wages or other income of a given convict for a period up to five months, or by restriction of freedom for a period up to three years.

## **Chapter 16. Military Crimes**

### **Article 366. The Concept of a Military Crime**

Military crimes shall be understood to mean crimes, stipulated by this chapter, against the established order for performing military service, which are committed by military servicemen undergoing military service as draftees or under contracts in the Armed Forces of the Republic of Kazakhstan, other units or military formations of the Republic of Kazakhstan, as well as by citizens who are in the reserve when they are undergoing through reserve training.

### **Article 367. Disobedience or Other Non-Execution of an Order**

1. Disobedience, that is an open refusal to execute an order of a given commander, as well as other intentional non-execution by a subordinate of an order issued by a superior in accordance with the established procedure, which caused considerable damage to the interests of the service, -

shall be punished by restriction in the military service for a period up to two years, or by detention under arrest for a period up to six months, or by detention in a disciplinary military unit for a period up to two years.

2. The same act committed by a group of persons upon a preliminary collusion or by an organised group, as well as such an act which entailed grave consequences, -

shall be punished by imprisonment for a period up to five years.

3. Acts stipulated by the first or second part of this Article which are committed at war-time, or in a combat situation, -

shall be punished by imprisonment for a period from five to twenty years, and under aggravating circumstances, by capital punishment or life-time imprisonment.

4. Non-execution of an order as a consequence of negligent or careless attitude towards the service, which entailed grave consequences, -

shall be punished by restriction in military service for a period up to one year, or by detention under arrest for a period from three to six months, or by detention in a disciplinary military unit for a period up to one year.

5. An act stipulated by the fourth part of this Article, which is committed at war-time or in a combat situation, -

shall be punished by imprisonment for a period from three to ten years.

### **Article 368. Resistance to a Superior or Coercion of Him to Violate Service Duties**

1. Resistance to a superior, as well as to other person performing the military service duties delegated to him, or coercion of him to violate those duties, which is associated with violence or a threat to use it, -

shall be punished by detention under arrest for a period up to six months, or by restriction in military service for a period up to two years, by detention in a disciplinary military unit for a period up to two years, or by imprisonment for a period up to five years.

2. The same acts committed:

a) by a group of persons upon a preliminary collusion or by an organised group;

b) with the use of weapons;

c) with the causation of severe or medium gravity damage to health or other grave consequences, -

shall be punished by imprisonment for a period from three to ten years.

3. Acts stipulated by the first or second part of this Article which are committed at war-time or in a combat situation, -

shall be punished by imprisonment for a period from five to twenty years, or by capital punishment or life-time imprisonment.

### **Article 369. Violent Actions with Regard to a Superior**

1. Beating, the causation of slight damage to health, or other violence with regard to a superior, which is committed during the time of execution by him of duties of military service, or in relation to the execution of those duties, -

shall be punished by restriction in military service for a period up to two years, or by detention in a disciplinary military unit for a period up to two years, or by imprisonment for a period up to five years.

2. The same acts committed:

a) by a group of persons upon a preliminary collusion or by an organised group;



b) with the use of weapons;

c) with the causation of severe or medium gravity damage to health or other grave consequences, -

shall be punished by imprisonment for a period from three to ten years.

3. Acts stipulated by the first or second part of this Article, which are committed at war-time or in a combat situation, -

shall be punished by imprisonment for a period from five to twenty years, or by capital punishment, or life-time imprisonment.

### **Article 370. Violation of the Statutory Rules for Relations Between Military Servicemen in the Absence of Subordination Relationships Between Them**

1. Violation of the statutory rules for relations between military servicemen in the absence between them of relations of subordination, which caused a beating, the causation of slight damage to health, or other violence, or which is associated with humiliation of the honour and dignity or mocking of a given victim, -

shall be punished by restriction of military service for the period of up to two years or by arrest for the period of up to six months, or by corrective labour for the period of up to two years, or by detention in a disciplinary military unit for a period up to two years.

2. The same act committed:

a) repeatedly;

b) with regard to two or more persons;

c) by a group of persons, a group of persons upon a preliminary collusion, or by an organised group;

d) with the use of weapons;

e) with the causation of medium gravity damage to health, -

shall be punished by imprisonment for a period up to five years.

3. Acts stipulated by the first or second part of this Article, which entailed grave consequences, -

shall be punished by imprisonment for a period up to ten years.

### **Article 371. Insulting a Military Serviceman**

1. The insulting by one military serviceman of another during the performance or in relation to the performance of duties of military service, -

shall be punished by detention under arrest for a period up to three months, or by restriction in military service for a period up to six months.

2. The insulting of a superior by a subordinate, as well as by the superior of his subordinate during the performance of military service duties or in relation to their performance, -

shall be punished by restriction in military service for a period up to one year, or by detention under arrest for a period up to six months, or by detention in a disciplinary military unit for a period up to one year.

### **Article 372. Unwarranted Absence from the Unit or Place of Service**

1. Unwarranted absence from the unit or place of service, as well as a failure to appear for service in time without valid reasons in case of a leave from the unit, assignment, transfer, from a business trip, holiday, or a medical institution, for more than two five days, but not more than ten days, which is committed by a military serviceman who is a draftee, -

shall be punished by detention under arrest for a period up to six months or detention in a disciplinary military unit for a period up to one year.

2. The same acts committed by a military serviceman who is enduring punishment in a disciplinary military unit, -

shall be punished by imprisonment for a period up to two years.

3. Unwarranted absence from the unit or place of service, as well as a failure to appear for service in time without valid reasons for more than ten days, but not more than one month, by a military serviceman undergoing a military service as a draftee or under a contract, -

shall be punished by restriction in military service for a period up to two years, or by detention in a disciplinary military unit for a period up to two years.

4. Acts stipulated by the third part of this Article, if unwarranted absence lasted for more than one month, as well as the same acts committed by a military serviceman enduring punishment in a disciplinary military unit, if unwarranted absence lasted for more than ten days, -

shall be punished by imprisonment for a period up to three years.

5. Acts stipulated by the first or second part of this Article, which are committed at war-time, if unwarranted absence lasted for more than one day,

shall be punished by imprisonment for a period from five to ten years.

6. Unwarranted absence from the unit or place of service in a combat situation, regardless of the duration, -

shall be punished by imprisonment for a period from three to fifteen years.

**Note.** A military serviceman, who committed acts stipulated by the first or the third part of this Article, may be exempt by a court from criminal liability, if unwarranted absence from the unit occurred as a result of difficult circumstances, and if he voluntarily appeared for further performance of military service.

### **Article 373. Desertion**

1. Desertion, that is unwarranted leaving of the unit or place of service for the purpose of evading military service, as well as a failure to appear for service for the same purpose, - shall be punished by imprisonment for a period up to five years.

2. Desertion with weapons entrusted in relation to the service, as well as desertion committed by a group or persons upon a preliminary collusion, or by an organised group, - shall be punished by imprisonment for a period from three to seven years.

3. The same act committed at war-time or in a combat situation shall be punished by imprisonment for a period from seven to twenty years, or by capital punishment, or life-time imprisonment.

**Note.** A military serviceman, who committed desertion stipulated by the first part of this Article, may be exempt from criminal liability, if his desertion occurred as a result of occurrence of difficult circumstances, and if he voluntarily appeared for further performance of military service.

### **Article 374. Evasion of Military Service by Way of Self-Mutilation or Other Method**

1. Evasion by a military serviceman of the performance of military service duties by way of simulation of a disease, or the causation to himself of an injury (self-maiming), or other damage to his own health, or by way of forgery of documents, or by other fraud, -

shall be punished by restriction in military service for a period up to one year, or by detention under arrest for a period from three to six months, or by detention in a disciplinary military unit for a period up to one year, or by imprisonment for a period up to two years.

2. The same act committed for the purposes of full exemption from the performance of military service duties, -

shall be punished by imprisonment for a period up to five years.

3. Acts stipulated by the first or second part of this Article, which are committed at war-time or in a combat situation, -

shall be punished by imprisonment for a period from five to twenty years, or by capital punishment or life-time imprisonment.

### **Article 375. Violation of the Rules for Being on Active Duty**

1. Violation of the rules for being on active military duty (active service) for timely detection and repulse of a sudden offensive against the Republic of Kazakhstan, or for the providing for its safety, if this act entailed or could entail the causation of damage to the interests of the safety of the state, -

shall be punished by restriction in military service for a period up to two years, or by detention under arrest for a period up to six months, or by detention in a disciplinary military unit for a period up to two years, or by imprisonment for a period from one year up to five years.

2. The same act which entailed grave consequences, -

shall be punished by imprisonment for a period from three to ten years.

3. Acts stipulated by the first or second part of this Article, which are committed at war-time, -

shall be punished by imprisonment for a period from five to twenty years, or by capital punishment or life-time imprisonment.

**Note.** A military serviceman who committed for the first time an act stipulated by the first part of this Article, under mitigating circumstances may be exempt by a court from criminal liability.

#### **Article 376. Violation of the Rules for Being on Frontier Service**

1. Violation of the rules for carrying out frontier service by a person who is a member of a given frontier guards squad or who performs other duties of the frontier service, if this act entailed or could have entailed the causation of damage to the interests of the safety of the state, -

shall be punished by restriction in military service for a period up to two years, or by detention under arrest for a period up to six months, or by detention in a disciplinary military unit for a period up to two years, or by imprisonment for a period up to three years.

2. The same act which entailed grave consequences, -

shall be punished by imprisonment for a period up to five years.

**Note.** A military serviceman, who committed for the first time an act stipulated by the first part of this Article, under mitigating circumstances may be exempt from criminal liability.

#### **Article 377. Violation of the Statutory Rules for Being on Guard (Sentry) Duty**

1. Violation of the statutory rules for guard (sentry) duty by a person who is a guardsman (a sentry), if this act entailed the causation of damage to the facilities protected by the guards (sentries) or the causation of other harmful consequences, -

shall be punished by restriction in military service for a period up to two years, or by detention under arrest for a period up to six months, or by detention in a disciplinary military unit for a period up to two years, or by imprisonment for a period up to two years.

2. The same act which entailed grave consequences, -

shall be punished by imprisonment for a period up to seven years.

**Note.** A military serviceman, who committed for the first time an act stipulated by the first part of this Article, under mitigating circumstances may be exempt from criminal liability .

### **Article 378. Violation of the Statutory Rules for Internal Service or Patrolling in a Given Post**

1. Violation of the statutory rules for performing internal service by a person who is a member of a daily detail of a given unit (except for guards and sentries), as well as violation of the statutory rules for patrolling in a given post, as well as of orders issued for the development of those rules and ordinances, by a person who is a member of a patrolling squad, if they entailed deleterious consequences, the prevention of which was a duty of a given person, -

shall be punished by restriction in military service for a period up to two years, or by detention under arrest for a period up to six months, or by detention under a disciplinary military unit for a period up to two years.

2. The same acts which entailed grave consequences, -

shall be punished by imprisonment for a period up to five years.

**Note.** A military serviceman, who committed for the first time an act stipulated by the first part of this Article, under mitigating circumstances may be exempt from criminal liability.

### **Article 379. Violation of Rules for Being on Duty to Protect the Public Order and to Provide for Public Safety**

1. Violation by a person, who is a member of an armed detail for the protection of the public order and providing for public safety, of the rules for being on duty, if this act caused damage to the rights and legitimate interests of citizens, -

shall be punished by restriction in military service for a period up to two years, or by detention under arrest for a period up to six months, or by detention in a disciplinary military unit for a period up to two years, or by imprisonment for the same period.

2. The same act which entailed grave consequences, -

shall be punished by imprisonment for a period up to five years.

**Note.** A military serviceman who committed for the first time an act stipulated by the first part of this Article, under mitigating circumstances may be exempt from criminal liability.

### **Article 380. Abuse of Power, Exceeding Competence or Inaction**

1. Abuse by a military chief or by an official of his power or service position, exceeding of his competence or service authority, as well as inaction, which is committed for venal purposes or other personal interests and which caused considerable damage, or caused considerable infringement of rights and vested interests of servicemen (citizens) or organisations -

shall be punished by restriction in military service for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to five years.

2. The same acts which entailed grave consequences, -

shall be punished by imprisonment for a period from three to ten years.

3. Acts stipulated by the first or second part of this Article, which are committed at war-time or in a combat situation, -

shall be punished by imprisonment for a period from five to twenty years, or by capital punishment or life-time imprisonment.

### **Article 381. Negligent Attitude Towards Service**

1. Negligent attitude of a military superior or an official towards his service, which caused considerable damage, -

shall be punished by restriction in military service for a period up to two years, or by detention under arrest for a period up to six months, or by imprisonment for a period up to three years.

2. The same act which entailed grave consequences, -

shall be punished by imprisonment for a period up to seven years.

3. Acts stipulated by the first or second part of this Article, which are committed at war-time or in a combat situation, -

shall be punished by imprisonment for a period from three to ten years.

**Note.** A military serviceman, who committed for the first time an act stipulated by the first part of this Article, under mitigating circumstances may be exempt from criminal liability.

### **Article 382. Abandonment of a Sinking Military Ship**

1. Abandonment of a sinking ship by its commander who did not perform until the end to the bitter end his service duties, as well as by a person who is a member of the ship's crew without the commander's order necessary for that, -

shall be punished by restriction in military service for a period up to two years, or by detention in a disciplinary military unit for a period up to two years, or by imprisonment for a period up to five years.

2. The same act committed at war-time or in a combat situation

shall be punished by imprisonment for a period from five to ten years.

### **Article 383. The Surrendering or Leaving to the Enemy of Material for Waging War**

The surrendering to the enemy by a given commander of armed forces entrusted to him, as well as the leaving to the enemy of fortifications, combat machinery, or other means for waging a war, if said actions are committed not for the purposes of helping the enemy, -

shall be punished by imprisonment for a period from five to twenty years, or by capital punishment or life-time imprisonment.

### **Article 384. Voluntary Surrendering**

Voluntary capitulation due to cowardice or faintheartedness, -

shall be punished by imprisonment for a period up to ten years.

### **Article 385. Marauding**

Stealing at the field of combat of things belonging to the dead or injured (marauding), -

shall be punished by imprisonment for a period from three to ten years.

### **Article 386. Divulging of Secret Information of Military Nature or Loss of Documents Containing Secret Information of Military Nature**

1. Loss of documents or items containing secret information of a military character, but not containing a state secret, by a person to whom those documents or items are entrusted in relation to his service, if the loss occurred as a result of violation of the established rules for handling of said documents and items, -

shall be punished by restriction in military service for a period up to one year, or by detention under arrest for a period up to six months, or by imprisonment for a period up to one year.

2. Divulgence of secret information of a military character which does not contain a state secret by a person to whom that information was entrusted or became known in relation to his service, -

shall be punished by restriction in military service for a period up to two years, or by imprisonment for the same period.

3. Acts stipulated by the first or second part of this Article, which entailed grave consequences, -

shall be punished by imprisonment for a period from three to ten years.

### **Article 387. Deliberate Destruction or Damaging of Military Property**

1. Deliberate destruction or damaging of weapons, ammunition, transportation means, munitions, or other military assets, -

shall be punished by restriction in military service for a period up to two years, or by detention under arrest for a period up to six months, or by detention in a disciplinary military unit for a period up to two years, or by imprisonment for a period up to two years.

2. The same acts which entailed grave consequences shall be punished by imprisonment for a period up to five years.

### **Article 388. Negligent Destruction or Damaging of Military Property**

Negligent destruction or damaging of weapons, ammunition, means of transportation, or items of military equipment, which entailed grave consequences, -

shall be punished by restriction in military service for a period up to one year, or by detention under arrest for a period up to six months, or by detention in a disciplinary military unit for a period up to one year, or by imprisonment for the same period.

### **Article 389. Loss of Military Property**

Violation of the rules for the protection of weapons, ammunition or items of military equipment which were entrusted for service use, if this entailed their loss, -

shall be punished by restriction in military service for a period up to two years, or by detention under arrest for a period up to six months, or by detention in a disciplinary military unit for a period up to two years, or by imprisonment for a period up to two years.

### **Article 390. Violation of the Rules for Handling Weapons, As Well As Substances and Items Which Are Dangerous for the Public**

1. Violation of the rules for handling weapons, ammunition, radioactive materials, explosives, or other substances and items, which are of great danger for the public, if this entailed by negligence the causation of grave or medium gravity damage to a person's health, destruction of military property, or other grave consequences, -

shall be punished by restriction in military service for a period up to two years, or by detention in a disciplinary military unit for a period up to two years, or by detention under arrest for a period up to three months, or by imprisonment for a period up to two years.

2. The same act which entailed by negligence a person's, -

death shall be punished by imprisonment for a period up to five years.

3. An act stipulated by the first part of this Article, which entailed by negligence the death of two or more persons, -



shall be punished by imprisonment for a period up to ten years.

### **Article 391. Violation of the Rules for Driving or Operating Machinery**

1. Violation of the rules for driving or operating a combat, special, or transport vehicles, which entailed by negligence the causation of severe or medium gravity damage to a person's health, -

shall be punished by detention under arrest for a period up to six months, or by detention in a disciplinary military unit for a period up to two years, or by imprisonment for a period up to three years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

2. The same act which entailed by negligence a person's death, -

shall be punished by imprisonment for a period from two to five years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

3. The act, provided for by the first part of this Article, which entailed due to negligence death of two or more persons, -

shall be punished with deprivation of freedom for a period from five to ten days with deprivation of the right to hold certain positions or engage in certain activities for a period up to three years or without such.

### **Article 392. Violation of the Rules for Flights or Preparation for Them**

Violation of the rules for flights or preparation for them, as well as violation of the rules for operating military aircraft or flying machines, which entailed grave consequences, -

shall be punished by imprisonment for a period from three to ten years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

### **Article 393. Violation of the Rules for Navigation**

Violation of the rules for navigation or operating military ships, which entailed by negligence a person's death or other grave consequences, -

shall be punished by imprisonment for a period from three to ten years with deprivation of the right to hold certain positions or to engage in certain types of activity for a period up to three years, or without it.

President of the Republic of Kazakhstan

N. NAZARBAEV

### **\* Errata from the Kazakhstan Pravda**

In the text of the published Criminal Code of the Republic of Kazakhstan, a number of technical mistakes were made.

1. In part 3 of Article 10 the text «negligent acts for which» should be read «negligent act for the commission of which».

2. In Article 18 after the word «a person» a comma is missing.

3. In part 2 of Article 33 instead of the word «obviously» the word «obvious» should be used. (the newspaper «Kazakhstanskaya Pravda», No. 170 of 24 July 1997).

4. In part 3 of Article 64 after the words «public order» a comma is used unnecessarily.

5. In paragraph a) of part 7 of Article 70 the word «conditional conviction ahead of time» should be read «conditional release ahead of time».

6. In part 1 of Article 78 the word «of crimes» should be read «of a given crime».

(the newspaper «Kazakhstanskaya Pravda», No. 171 of 25 July 1997).

7. In paragraph a) of part 2 of Article 113, after the word «a convict» a comma is used unnecessarily.

8. In disposition of part 1 of Article 132 after the words «narcotic substances or» a preposition «in» is missing. And in the end after the word «begging» a comma is used unnecessarily.

(the newspaper «Kazakhstanskaya Pravda», No. 172 of 26 July of 1997).

9. In disposition of part 2 of Article 145, after the words «eviction from housing» a comma is used unnecessarily.

10. In sanctions of Article 154 after the words «five months» a comma is used unnecessarily.

11. In sanctions of part 1 of Article 157 after the words «up to nine months» a comma is used unnecessarily.

12. In disposition of part 1 of Article 162 after the words «military actions» a comma is used unnecessarily. In sanctions of part 1 of this Article instead of the words «is punished» one should read «are punished». In sanctions of part 4 of this Article instead of the words «are punished» one should read «is punished».

13. In sanctions of part 1 of Article 170 after the words «up to ten months» a comma is used unnecessarily.

14. In sanctions of part 1 of Article 183 instead of the words «is punished» one should read «are punished».

15. In paragraph d) of part 2 of Article 187, after the word «enmity» a comma is used unnecessarily.

16. In sanctions of part 1 of Article 190 after the words «up to six months» a conjunction «or» is missing.

17. In disposition of part 1 of Article 193, after the word «activity» a comma is used unnecessarily.

18. In sanctions of part 2 of Article 196 after the words «seven months» a comma is used unnecessarily.

19. In disposition of part 1 of Article 200 after the words «such information» a comma is used unnecessarily. In sanctions of part 2 of the said Article, after the words «five months» a comma is missing.

(the newspaper «Kazakhstanskaya Pravda», No. 173 of 29 July 1997).

20. In disposition of part 1 of Article 229 after the words «for himself» and «or other persons» commas are missing. In sanctions of part 1 of the said Article the words «correctional labour» should be read as «by correctional labour».

21. In disposition of part 1 of Article 238 after the word «damaging» a comma is missing.

22. In disposition of part 4 of Article 252 after the word «projectile weapons» a comma is used unnecessarily.

23. In disposition of part 1 of Article 283 after the word «structures» a comma is used unnecessarily.

24. In sanctions of part 2 of Article 284 after the words «up to seven months» a comma is used unnecessarily.

25. In sanctions of part 2 of Article 287 after the words «seven months» a comma is used unnecessarily.

26. In sanctions of part 2 of Article 288 after the words «up to seven months» a comma is used unnecessarily.

27. In sanctions of part 1 of Article 291 after the words «up to two months» a comma is used unnecessarily. In sanctions of part 2 of the said Article after the words «up to five months» a comma is missing.

28. In disposition of part 1 of Article 294 after the words «a person's death» a comma is missing.

29. In disposition of part 2 of Article 307 after the word «responsible» a comma is used unnecessarily.

(the newspaper «Kazakhstanskaya Pravda», No. 174 of 30 July 1997).

30. In the name of Article 342 instead of the word «disrespect» one should read the word «contempt».

31. In disposition of part 2 of Article 351 after the words «for venal purposes» a comma is used unnecessarily.

32. In sanctions of part 3 of Article 369 after the words «up to twenty years» and «capital punishment» commas are used unnecessarily.

(the newspaper «Kazakhstanskaya Pravda», No. 175 of 31 July 1997).